UNITED STATES DISTRICT COURT, *Eastern District of Louisiana.*

Be it remembered that, on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-sixth, Manuel Garcia, by his attorney, Theodore H. McCaleb, esq., came into court and filed the following petition, to wit:

*Petition.*

To the honorable Samuel H. Harper, judge of the district court of the United States in and for the eastern district of the State of Louisiana:

The petition of Manuel Garcia, a resident of the island of Cuba, one of the West India islands, and a citizen and subject of the Spanish government, most respectfullly represents:

That on the first of September, one thousand eight hundred and six, he purchased of the said Spanish government, for a valuable consideration, and was put in possession of the same, fifteen thousand arpents of land, the same being divided into three distinct tracts or parcels, having such marks and bounds as are laid down in the original plats and surveys, annexed to the deed of sale, made by Juan Ventura Morales, the then intendant of the Spanish government, dated the first day of September, in the year of our Lord one thousand eight hundred and six, certified copies of which deed of sale, plats, and surveys, being hereto annexed, and particularly referred to as a part of this petition. And your petitioner further shows that one tract of the said land, being part and parcel of the said fifteen thousand arpents so purchased of the said Spanish government, and containing ten thousand arpents, in what, at the time of the said purchase, was called the new establishment of St. Helena, composing and forming a certain lot or parcel of land, situated twelve miles south from the boundary line which separated the domains of his Majesty the King of Spain, from the United States, being crossed in the middle by the spring or stream of Santa Rosalia, commonly called *Sandy creek*, bounded on the north by land of Genonimo Lachiapella, and on the east by royal lands on the south, by those of Armando Duplantier and by vacant lands and on the west by vacant lands and others owned by the said Lachiapella; the said ten thousand arpents being exclusive of the portion reserved to the founder—(poblador,) Samuel Kelly, who was established in the neighborhood of point (A) of the plan, the said boundaries here given being according to one of the said plans hereto annexed, (No. 1,) and particularly referred to, by which the said tract or parcel of land is fully and amply designated.

And now, your petitioner shows that the said tract of land of ten thousand arpents, so sold to him by the Spanish government as part and parcel of the said fifteen thousand arpents, is justly and legally the property of your petitioner. Nevertheless, your petitioner shows that one Samuel Lee, a resident of the parish of Feliciana, in the State of Louisiana, and a citizen of said State, has taken possession

of a part of said tract of land of ten thousand arpents, being particularly described above, which is situated in the now State of Louisiana, and within the jurisdiction of this court, and so claimed by your petitioner, and refuses to deliver the same up to your petitioner, although often and amicably demanded so to do. And the said defendant, Samuel Lee, moreover owes your petitioner ten thousand dollars, damages.

Wherefore, your petitioner prays that the said Samuel Lee be cited to answer this petition, and, after due proceedings had, that the said land in the possession of the said Samuel Lee be declared to belong to your petitioner; that he be put into possession of the same, and the said Lee be adjudged to pay him the said sum of ten thousand dollars, damages, with interest, and all costs. And further, your petitioner prays all other relief which the nature of the case may require, and which to justice and equity belongs, &c., &c.

(Signed) THEODORE H. McCALEB,
*Attorney for Petitioner.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

And afterwards, on the twenty-sixth of January, in the year of our Lord one thousand eight hundred and thirty-sixth, the following writ was issued from the clerk's office, to wit:

*The President of the United States of America, to the marshal of the eastern district of Louisiana, or his lawful deputy, greeting:*

You are hereby commanded to summon Samuel Lee, so that he be and appear at the district court of the United States for the eastern district of Louisiana, to be holden in the city of New Orleans, on the third Monday of May, 1836, to answer to the complaint of Manuel Garcia, and that he do file his defence or answer with the clerk of said court, on or before the same or judgment will be given against him by default; and have you then and there this writ.

Witness the honorable Samuel H. Harper, judge of the said court, at the city of New Orleans, this 26th day of January, 1836, and 60th year of the independence of the United States.

(Signed) WM. B. OAKS, *Deputy Clerk.*

*Marshal's return.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.—U. S. District Court.

Rec'd, January 28, 1836, executed 29th of April, 1836, by delivering a copy of this citation, together with a certified copy of the plaintiff's petition, also a certified copy of plats, deeds, &c., filed in the suit of Mrs. Lee, the wife of Samuel Lee, at his residence, one hundred and eighty-five miles from New Orleans; the wife of S. Lee, being a free white person, over 14 years of age.

(Signed) JAMES LEAKE,
*U. States Dp'ty Marshal.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

Afterwards, on the 17th day of May, in the year of our Lord one thousand eight hundred and thirty-six, Samuel Lee, by his attorneys, T. L. and S. P. Andrews, came into court, and filed the following:

*Answer and exceptions.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } United States district court for the eastern district of Louisiana.

The answer of the defendant herein, Samuel Lee, denies all and singular the allegations in the plaintiff's petition herein exhibited against him, and will, on trial, require strict and legal proof of the same; and especially does he deny any jurisdiction of the Spanish government over the territory in which the land claimed by the plaintiff is situated, at the time the grant exhibited by him was made, or any time subsequent thereto; and strictly denies the right of the said government, or the officers thereof, to make grants or sales of land therein; and prays to be hence dismissed, at the cost of said plaintiff.

(Signed) T. L. & S. P. ANDREWS,
*Att'ys for Defendant.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

Afterwards, to wit, on the first day of June, in the year of our Lord one thousand eight hundred and thirty-six, the following entry was made of record, to wit: Manuel Garcia *vs.* Samuel Lee.—This cause came on for trial to day; whereupon, on motion of T. E. Ives, esq., counsel for plaintiff, ordered, that this cause be continued until next term, as on the affidavit of the plaintiff.

Afterwards, to wit, on the 28th day of December, in the year of our Lord one thousand eight hundred and thirty-six, the following entry was made of record, to wit:

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

This cause came on to day for trial. T. Ives and J. R. Grymes, esquires, appearing for the plaintiff, and S. P. Andrews, esq. for defendant, when, after some progress made in said cause, it was continued for farther hearing to the next term of the court, and the documents, now offered in evidence by the plaintiff, be delivered to the defendant's attorney on his receipt, in order that he may be prepared at the next term to make all legal objections thereto; and then the court adjourned until to-morrow at 10 o'clock, P. M.

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

Afterwards, to wit, on the 27th day of February, in the year of our Lord one thousand eight hundred and thirty-seven, the following entry was made of record, to wit:

This cause came on for trial to day before the court, when after hearing the evidence and argument of counsel on behalf of the plaintiffs, by McCaleb and Ives, esquires, and on behalf of defendants, by S. P. and J. Andrews, esquires, it was ordered, adjudged, and decreed, that judgment be entered up in favor of the defendant, and the petition of the said Manuel Garcia be dismissed, and that he be condemned to pay the costs of this suit.

MANUEL GARCIA
*vs.*
SAMUEL LEE. } 3712.

On the trial of this cause, on the 27th day of February, in the year of our Lord one thousand eight hundred and thirty-seven, the followlowing bill of exceptions was filed:

Be it known that on the trial of this cause, the counsel for the plaintiff offered in evidence the annexed documents, marked [B] and numbered and numbered from [1] to [17] inclusive, which the court refused to receive, except to be read as history in the course of argument. The counsel insisted that they should be received *as evidence;* to this the court objected, and the counsel tendered this bill of exceptions, which was signed

(Signed) SAM'L H. HARPER. [SEAL.]
*Judge U. S.*

And afterwards, on the 3rd day of March, in the year of our Lord one thousand eight hundred and thirty-seven, the following agreement was filed, to wit:

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

It is hereby agreed between the parties to this suit that the documents hereto annexed, and particularly referred to in the bill of exceptions taken by the counsel of the plaintiff, as marked from [B No. 1] to [B No. 17] inclusive, shall be annexed to the transcript of the record to be sent up to the Supreme Court of the United States, without being copied.

(Signed) THEO. H. McCALEB,
*Att'y for Plaintiff.*

(Signed) T. L. & S. P. ANDREWS,
*Att'ys for Defendant.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

Afterwards, to wit, on the 27th day of February, in the year of our Lord one thousand eight hundred and thirty-seven, the following entry was made of record, to wit:

This cause came on for trial to day before the court, when after hearing the evidence and argument of counsel on behalf of the plaintiffs, by McCaleb and Ives, esquires, and on behalf of defendants, by S. P. and J. Andrews, esquires, it was ordered, adjudged, and decreed, that judgment be entered up in favor of the defendant, and the petition of the said Manuel Garcia be dismissed, and that he be condemned to pay the costs of this suit.

MANUEL GARCIA
*vs.*
SAMUEL LEE. } 3712.

On the trial of this cause, on the 27th day of February, in the year of our Lord one thousand eight hundred and thirty-seven, the followlowing bill of exceptions was filed:

Be it known that on the trial of this cause, the counsel for the plaintiff offered in evidence the annexed documents, marked [B] and numbered and numbered from [1] to [17] inclusive, which the court refused to receive, except to be read as history in the course of argument. The counsel insisted that they should be received *as evidence;* to this the court objected, and the counsel tendered this bill of exceptions, which was signed

(Signed) SAM'L H. HARPER. [SEAL.]
*Judge U. S.*

And afterwards, on the 3rd day of March, in the year of our Lord one thousand eight hundred and thirty-seven, the following agreement was filed, to wit:

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

It is hereby agreed between the parties to this suit that the documents hereto annexed, and particularly referred to in the bill of exceptions taken by the counsel of the plaintiff, as marked from [B No. 1] to [B No. 17] inclusive, shall be annexed to the transcript of the record to be sent up to the Supreme Court of the United States, without being copied.

(Signed) THEO. H. McCALEB,
*Att'y for Plaintiff.*

(Signed) T. L. & S. P. ANDREWS,
*Att'ys for Defendant.*

On the trial of this cause, on the 27th day of February, in the year of our Lord one thousand eight hundred and thirty-seven, the following consent of the parties was filed in open court:

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

It is admitted herein on the part of plaintiff, that the defendant is in possession of the land claimed, in virtue of a title from the Government of the United States, and which is valid *in point of form*; and it is admitted on the part of the defendant, that the defendant is in possession of a certain portion of the lands described in plaintiff's petition, the amount of which portion shall be hereafter ascertained, should the plaintiff succeed in this suit.

(Signed) THEODORE H. McCALEB,
*Attorney for Plaintiff.*

(Signed) T. L. & S. P. ANDREWS,
*Attorneys for Defendant.*

On the 28th day of December, in the year of our Lord one thousand eight hundred and thirty-six, the following testimony was taken by consent and filed, to wit:

*Testimony.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

Testimony taken by T. W. Collins, deputy clerk of said court, by consent of parties, and under order of court.

John McDonogh, being duly sworn, says that the signatures, to wit, "Juan Ventura Morales, Fran. Gutierrez de Arroyo," Juan Franc. Arnaud de Courville," to the document marked [A] are genuine, said document containing sixteen pages.

(Signed) JOHN McDONOGH.

Bernard Marigny, Marigny and Jean Delassize, being duly sworn, doth depose to the same facts, having been long and intimately acquainted with the persons of which the signatures are exhibited in said document [A,] and say that said signatures of "Juan Ventura Morales," "Franc. Gutierrez de Arroyo," "Juan Franc. Arnaud de Courville," are genuine.

(Signed) JOHN McDONOGH.
(Signed) DELASSIZE.
(Signed) B. MARIGNY.

Sworn to and subscribed before me, this 28th of December, 1836.

(Signed) T. W. COLLINS, *D'y Clerk.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } No. 3712.

On the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and thirty-seven, the following *points* were filed in court by the counsel of the plaintiff in this cause, to wit:

*Plaintiff's points.*

MANUEL GARCIA
*vs.*
SAMUEL LEE. } District court of the United States.

1st. We file a complete title to the land in question, derived by the plaintiff in this cause from the Government of Spain. We show the grant signed by Morales, the order of survey to Pintado, the surveyor-general, with his (Pintado's) certificate of survey. We also show the plats of the survey made by Pintado. *The boundaries are distinctly given.*

2nd. There is no doubt of the fact that the defendant is really in possession of a part of the very land claimed by the plaintiff.

3rd. The Spanish Governor Morales had full power and authority to make the grant or sale of the land in question to the plaintiff in this cause. Spain had full and exclusive jurisdiction over the territory where the land lies, at the time such sale or grant was made, and the plaintiff has never been legally divested of his title.

4th. The title set up by defendant is derived from the Government of the United States, and cannot prevail over the Spanish title, which is prior thereto.

5th. This suit is precisely like the suit of Foster and Elam vs. Neilson, which was finally decided by the Supreme Court of the United States, upon a writ of appeal taken from this court in the year 1828. In that case the decision of the court was against the plaintiffs, and it is incumbent upon us to show that decision was erroneous, and that it has been subsequently at divers times reversed by the court itself. This we show by subsequent decisions. 2d Peters' Reports, Foster and Elam vs. Neilson; 7 Peters' Reports, Arredondo vs. U. States; 8 Peters' Reports, Perchman vs. U. States.

*Copy of document marked A.*

COPIA.

*Titulo y plano de* 15,000 *arpanes de tierra realenga comprados por el Capitan de Exto. Dn. Manuel Garcia.*

LOUISIANA.

Recorded in the office of the clerk to the commissioner of land claims west of Pearl river, and east of the Mississippi, in lib. B, No. 2, fol. 309, &c.

(Signed) CHARLES S. COSBY, *Clerk.*

Dn. Vicente Sebastian Pintado, capitan de cavalla de milicias y segundo agrimensor de esta provincia, certifico, que fueron medidos y lindados á favor de Dn. Manuel Garcia, quinze mil arpanes planos de tierra, medidos a la percha lineal de la ciudad de Paris de diez y ocho pies lineales de la misma ciudad, contando cien perchas planas por arpan, segun costumbre agraria de esta provincia; y en tres piezas y terrenos distintos, segun los tres planos anexos cuyas situaciones y linderos de cada uno en particular son como sigue.

*Plano No.* 1, ō 1776.

Diez mil arpanes planos en el nuevo establecimiento de Sta. Helena, en un terreno, situado a doce millas al sur de la linea de limites entre estos dominios de S. M. (que Dios gde.) y los Estados de la America, pasando por el medio de él el arroyo de Sta. Rosalia, vulgarmente llamado *Sandy creek*, lindando por la parte septentrional con tierras de Dn. Geronimo Lachiappella, por el meridional con las de Dn. Armando Duplantier y vacantes, por la occidental (Rubrica.) con las, y con otros del ante dho. Chiapella, y por la oriental con tierras realengas; los diez mil arpanes son exclusive de la porcion reservada para el poblador, Samuel Kelley; que se halla establecido en las cercanias del punto A, del plano.

*Plano No.* 2, ō 1777.

Dos mil dos cientos y setenta arpanes, en un terreno situado en la margen occidental del rio de Sn. Buena Ventura ó Comit, haciendo frente à el, ya la misma distancia, al sur de la linea de limites que el terreno antecedente No. 1, lindando por la parte del norte con tierras de Dn. Joseph Reynes, por la del sur con las de Dn. Juan Lynd y de Dn. Juan Delassize, por la del oeste con tierras realengas, y por la del este confina con el ante dho. rio Comit.

*Plano No.* 3, ō 1778.

Dos mil setecientos y treinta arpanes, en un terreno situado en el distrito de la Feliciana á tres millas al este del rio del mismo nombre, y á once millas y media al N. E. ¼ N. de la aguja de la confluencia del dho. rio con el Misisippi, lindando por la parte del norte con tierras de Dn. Juan Lynd, Dn. Juan Bauta. Labatut, y las solicitadas por Santiago Branan; por la del oeste, con las mismas, de estos dos ultimos, y con las concedidas á Maria Kelsey y Zacarias Smith; por la del sur con las de Thomas Lanphier, Dn. Santiago Raoul, Dn. Christoval de Armas, y el Sōr Dn. Gilberto Andry; y por la del este, con las mismas del ultimo, y con el arroyo del bosque roxo; como todo sede muestra ampliamente por los planos que anteceden, en los quevan figurados los tres terrenos cada uno deporsi, con las dimenciones de sus lados anotados en perchas lineales las direcciones de los limites, segun la brujula, la declinacion de esta, los arboles y mojones que sirven de linderos, y los demas confines naturales y artificiales. Y para que conste, doy la presente en Baton Rouge a veinte y cinco dias del mes de Abril, de mil ochocientos y quatro años.

VICENTE SEBASTIAN PINTADO.

*Certificacion.*

Dn. Vicente Sebastian Pintado, actual agrimensor grāl de la Florida occidental, certifico que los planos y diligencias de apēs que anteceden son conformes á los documentos originales, que se hallan anexos al expediente del asunto; y quedan registrados en el lib. VII, fols. 1, 2, y Bta., Nos. 1776, 1777, y 1778. Panzacola, nuebe de Agosto, de mil ochocientos y seis años.

VICENTE SEBAST'N PINTADO.

*Titulo.*

Dn. Juan Ventura Morales, inten'ente interino, y superintendente-general, sub-delegado en este provincia de la Florida Occidental, jus de arribadas, de tierras y solares realengos, &a.

Por quanto habiendose presentado en el tribunal de esta intendencia de mi cargo, el capitan de Exto. Dn. Manuel Garcia, en veinte y quatro de Septiembre, de mil ochocientos y tres, solicitando comprar quince mil arpanes de tierra al precio de tasacion, y á pagar de contado en certificaciones de credito, admitida su instancia, se mandó poner por secretaria copia del oficio dirigido por la misma intendencia á los s'res comisarios de la entrega de la provincia de la Luisiana, de resultas de la solicitud hecha por Dn. Tomas Urquhart, para la comprar de cinquenta mil arpanes de tierra, y de la respuesta que dieron pasandose las diligencias al sōr fiscal, que accedió, proponiendo las formalidades, que debieron practicarse, y demas conveniente á la seguridad del real fisco, y del citado Dn. Manuel Garcia; y por decreto de veinte y siete de Sepre. del mismo año de ochocientos y tres, se mandó extender testimonio de el con que se pasó á consulta del sōr asesor del gobierno, y auditor de guerra de esta provincia, en el expediente promovido por el referido Dn. Tomas Urquhart y del dictamen que dió dho. sōr letrado, a que recayó la providencia de veinte y ocho del expresado mes de Septiembre, en que se mandó librar despacho cometido al sōr gobernador y sub-delegado del puesto de Baton Rouge, para que dispusiese el deslinde apeo y estimacion de los indicados quince mil arpanes de tierra, que se expedio en quatro de Octubre del mismo año, procediendose por el segundo agrimensor que era de la provincia de la Luisiana, Dn. Vicente Sebastian Pintado, en la actualidad agrimensor grāl de esta, al apeo y deslinde de los indicados quince mil arpanes de tierra en la forma siguiente: Un lienzo contenido en el plano, No. 1776, vajo el No. 1, de diez mil arpanes planos de tierra, situados a doce millas al sur de linea de limites, entre estos dominios de S. M. y los Estados Unidos de America, pasando por el medio de él, el arroyo de Sta. Rosalia, alias Sandy creek; y linda por la parte septentrional con tierras de Dn. Geronimo Lachiapella; por la meridional con las de Dn. Armando Duplantier, y vacantes; por la oriental con tierras realengas; y por la occidental con las y otros del ante dho. Lachapela; excluido la porcion reservado para el poblador, Samuel Kelly, que se halla establecido en el punto A de dho. plano.

Otro lienzo de tierra de dos mil doscientos setenta arpanes contenido en el plano No. 1777, vajo el No. 2, situados en la margen occidental del rio de Sn. Buena Ventura, ó Comit, haciendo frente a él y a la misma distancia al sur de la linea de limites que el antecedente, No. 1, lindando por la parte del norte con tierras de Dn. José Reynes, por la del sur con otras de Dn. Juan Lynd y de Dn. Juan Delassise, por la del oeste con tierras realengas, y por la del este confina con el ante dho. rio Comit.

Otro lienzo de dos mil setecientos treinta arpanes de tierra contenidos en el plano No. 1778, vajo el No. 3, situados en el distrito de la Nueva Feliciana, a tres millas al este del rio del mismo nombre, y a once millas y media al nord-este quarta al norte de la aguja de la confluencia de dho. rio con el Misisipi, lindando por la parte del norte con tierras de Dn. Juan Lynd, Dn. Juan Bautista Labatut, y las solicitadas por Santiago Branan; por la del oeste con las mismas de estos dos ultimos, y con las concedidas a Maria Kelsey, y Zacarias Smith; por la del sur con las de Tomas Lanphier, Dn. Santiago Raoul, Dn. Christoval de Armas, y Dn. Gilberto Andry; y por la del este con las mismas del ultimo, y con el arroyo del bosque roxo: los quales quince mil arpanes de tierra contenido en los expresados tres planos figurativos formados por el ya citado agrimensor, grāl Dn. Vicente Sebastian Pintado, con la correspondiente esplicacion, fueron estimados por los peritos nombrados por parte de la real hacienda, Dn. Felipe Hicky, y Dn. Franco. Guidry, y por la del interesado Dn. Hipolito Tevollier, y Dn. Geronimo Sabino Pernin, con asistencia de dho. agrimensor de Dn. Armando Duplantier, como apoderado de Dn. Manuel Garcia, y de dos testigos judiciales en falta de escribano, a razon de siete sueldos cada arpan, por ser tierra anegadisa, y de inferior calidad; en cuyo estado quedaron las citadas diligencias con motivo de haber quedado suspensa la venta, y concesiones de tierras por la retrocesion de la provincia de la Luisiana, y habiendo recurrido el referido, Dn. Manuel Garcia, con instancia de treinta de Mayo ultimo, pidiendo su conclusion, se decretó en tres de Junio seguiente la agregacion de los planos figurativos que se cumplió por el agrimensor, Dn. Vicente Sebastian Pintado; y por otro decreto de diez y nueve del mismo Junio sedió vista al sōr fiscal de real hacienda, que pidio en representacion de nueve de Julio siguiente se mandase formar la minuta del importe de las tierras, y entero en estas reales caxas de la cantidad á que ascienda dha. minuta, y prová un auto con dictamen del sōr mi asesor interino; cuyo tenor es el siguiente: vistos apruebase la estimacion de los quince mil arpanes de tierra, cuja medida y deslinde se comprehenden en los tres planos formados por el agrimensor general de la provincia, Dn. Vicente Sebastian Pintado, hecha por los peritos nombrados, en la forma prevenida por este tribunal a razon de siete sueldos cada arpan, previa la liquidacion de su importe por el ministerio de real hacienda, y su entero en arcas reales con él de la media annata, y diez y ocho por ciento de condicion á Espāna; despachese al Cap'n Dn. Manuel Garcia el correspondiente titulo con las acostumbradas condiciones de abrir los caminos y construir los

malecones, fosos, y puentes necesarios, segun se prescribe en el reglamento, tomandose la razon en los lugares prevenidos, y practicada la referida liquidacion por el ministerio de real hacienda resultó que el importe total de los mencionados quince mil arpanes de tierra a razon de siete sueldos el arpan conforme la estimacion, el real drō de media annata sobre dha. cantidad, y diez y ocho por ciento de su condicion á España importacion un mil ochenta pesos, siste reales veinte y siete mrs. que enteró en estas reales caxas Da. Aimé Massicot, legitima muger y apoderada del Capn. de Exto. Dn. Manuel Garcia, segun se comprueba de la carta de frago que se otergó en nueve de Agosto ultimo, de que sea compāna copia certificade en las diligencias á foxas 28. Y usando de las facultades que el rey nuestro senōr, (Dios le gde.,) me ha conferido, y en su real nombre, concedo al supra dho. Cap'n de Exto. Dn. Manuel Garcia, los quince mil arpanes planos de tierra en los pasages y vajo los linderos, rumbos, y distancias que se mencionen en los tres planos figurativos y diligencias de apèo certificadas del agrimensor grāl Dn. Vicente Sebastian Pintado, cujos duplicados para que en todo tiempo conste se colocan y archivan con este titulo. En cuya consequencia, le declaro é imparto entero, y directo dominio de los enunciados quince mil arpanes planos de tierra, para que como suyas propios los posea, disfrute, disponga, y enagene a su voluntad como que los ha comprado y pagado a la real hacienda, y le doy poder para que tome su posesion en la que lepongo y amparo, sin perjuicio de tercero que mejor drō tenga, con la calidad y condicion que ha de observar y cumplir con lo dispuesto en la instruccion formada y publicada por la intendencia grāl de la retrocedida provincia de la Luisiana en diez y siete de Julio, de mil sietecientos noventa y nueve, deque ser inpondra para su observancia. En fé de lo cual, mande despachar el presente firmado de mi mano, sellado con él de mis armas, y refrendado del infrascrito secretario into. de esta intendencia general, en cuya oficina, como en la del ministerio de real hacienda de esta plaza, se tomará la razon y quedará registrado. Dado en Panzacola, a primero de Septiembre, de mil ochocientos y seis.

[L. DEL S.] JUAN VENTURA MORALES.
FRANCO. GUTIERREZ DE ARROYO.

Queda registrado el titulo antecedente á foxas quarenta y siete, quarenta y ocho, y quarenta y nueve del libro destinado a este fin, que existe en la secreta de mi cargo a que me remito. Panzacola, primero de Septiembre, de mil ochocientos y seis.

FRANCO. GUTIERREZ DE ARROYO.

En la contada prāl de extō. de esta provincia se tomó razon del titulo antecedente al folio sesenta y ocho. Panzacola, diez de Septiembre, de mil ochocientos y seis.

JUAN FRANCO. ARNAUD DE COURVILLE.

Yo, Christoval de Armas, notario publico del numero de esta ciudad de la Nueva Orleans, certifico, que las copias anteceden y que

contienen ocho foxas escritos, inclusas la de la carpeta, las dos de los tres planos figurativos, y esta del sello, son conformes a los originales que á efecto de sacar la presente me exhibio, Dn. Manuel Garcia aquien los devolvi despues de confrontadas y corrigidas, y a los que me remito. En fé de lo cual, doy la presente que firmo y sello con él de mi oficio, en la mencionada ciudad de la Nueva Orleans, capital del Estado de la Luisiana, uno de los Unidos de America, á doce de Agosto, de mil ochocientos y veinte años, y el quadragesimo quinto de la independencia de Unidos Estados. Entre renglones—las copias—vale.

(Signed) CHRISTOV'L DE ARMAS,
*Not. Pub.*

REGISTRY OFFICE, *St. Helena.*

I certify that the following claim in the report of the former commissioner, (James O. Cosby,) marked and designated as follows, was reported by said commissioner for rejection, and rejected by the law of 3d March, 1819.

*Register C.*

| No. | Present claimant | Original claimant | N. of arpens. |
|---|---|---|---|
| 6 | Manuel Garcia, Spanish patent. | Man'l Garcia, Dated Sept. 1, 1806. | 15,000 |

CHARLES S. COSBY, *Reg'r*

14 *June*, 1820.

Yo, el ante dicho notario publico, certifico asi mismo que la copia que antecede es conforme al original *que la copia que antecede es conforme al original* que como concerniente al asunto tambien me exhibio el ante citado Dn. Manuel Garcia por separado acquien del propio modo lo devolvi despues de confrontada y corregida. En fé de lo cual, doy la presente, que firmo y sello con él de mi oficio, en la propia ciudad de la Nueva Orleans, fecha ut retro.

(Signed) CHRISTOV'L DE ARMAS, *Not. pub.*

CLERK'S OFFICE UNITED STATES DISTRICT COURT,
*New Orleans, January 26th*, 1836.

I certify the foregoing to be a true copy, from the original on file in my office.

DUNCAN N. HENNEN, *Cl'k.*

MANUEL GARCIA *vs.* SAMUEL LEE. } No. 3712.—District court of the United States, eastern district of Louisiana.

And afterwards, on the ninth day of March, in the year of our

Lord one thousand eight hundred and thirty-seven, Manuel Garcia, the plaintiff in this suit, came into court, by his attorney, Theodore H. McCaleb, esquire, and filed the following petition of appeal, to wit:

To the honorable Samuel H. Harper, judge district court of the United States in and for the eastern district of the State of Louisiana.

The petition of Manuel Garcia, a resident of the island of Cuba, and citizen of the Spanish government, respectfully shows, that he is advised that there is error in a certain judgment rendered by your honor in the suit in which your petitioner was plaintiff, and Samuel Lee was defendant; by which said judgment your petitioner feels himself aggrieved: wherefore, your petitioner prays that a *writ of error* be granted to the Supreme Court of the United States, upon your petitioner giving bond and security according to law. And your petitioner further prays all other relief which the nature of the case will allow, and which to justice and equity belongs, &c. &c.

(Signed) THEODORE H. McCALEB,
*Attorney for Petitioner.*

And the foregoing petition of appeal was endorsed in the following words, to wit:

Be it so, on the plaintiff in error entering in bond for five hundred dollars, with B. Marigny and John McDonogh, as surety, conditioned according to law.

(Signed) SAM. H. HARPER,
*Judge U. S.*

And afterwards, to wit, on the thirtieth day of March, in the year of our Lord one thousand eight hundred and thirty-seven, the following bond was filed, to wit:

*Bond.*

MANUEL GARCIA *vs.* SAMUEL LEE. } No. 3712.—U. S. District court, eastern district of Louisiana.

Know all men by these presents, that we, Manuel Garcia, as principal, and B. Marigny, J. McDongh, and T. H. McCaleb, are held and firmly bound unto Samuel Lee, in the sum of five hundred dollars, for this, that whereas, a certain judgment has been rendered against the said Manuel Garcia, plaintiff in the above case, from which the said plaintiff has taken an appeal to the Supreme Court of the United States: now, therefore, if the said Manuel Garcia shall well and truly prosecute the said appeal to effect, and shall answer to all costs and damages, if he fails to make his plea good, then this obligation to be null and void; otherwise to remain in full force and virtue.

Witness our hands and seals, this thirtieth day of March, in the year of Lord one thousand eight hundred and thirty-seven.

(Signed) B. MARIGNY, [SEAL.]
(Signed) THEO. H. McCALEB, [SEAL.]
*For Manuel Garcia.*
(Signed) T. H. McCALEB, [SEAL.]

MANUEL GARCIA *vs.* SAMUEL LEE. } Clerk's office, U. S. district court, eastern district of Louisiana.

I, Thomas W. Collins, deputy clerk of the district court of the United States, eastern district of the State of Louisiana, do hereby certify that the foregoing twenty-four and a half pages, (three of which are blank,) contain a true copy of the proceedings had in a certain cause, wherein Manuel Garcia was plaintiff, and Samuel Lee was defendant, as appears by the record remaining in this office.

T. W. COLLINS,
*Deputy Clerk.*

I, Samuel H. Harper, judge of the district court of the United States for the eastern district of Louisiana, do hereby certify that Thomas W. Collins, who has subscribed the above certificate, is deputy clerk of the said court; and that all due faith and credit are and ought to be given to his attestations as such, and that the above attestation is in due form of law.

Given under my hand and the seal of the court, this day of , in the year of Lord one thousand eight hundred and thirty-seven.

MANUEL GARCIA *vs.* SAMUEL LEE. } No. 3712.—District court of the U. S.

It is hereby agreed between the parties to this suit, that the signature of the judge, who is now absent from the city of New Orleans, to the above certificate be dispensed with. The signature of John McDonogh to the bond, filed in this case, is also dispensed with; and the appellee hereby waives citation of appeal.

T. L. & S. P. ANDREWS,
*Att'ys for Deft.*
THEODORE H. McCALEB.
*Attorney for Plaintiff.*

I hereby certify that the above agreement was signed by the attornies of the parties in my presence, in the clerk's office, this 31st day of March, A. D. 1837.

Witness my hand, and the seal of the court.

[SEAL.] T. W. COLLINS,
*Deputy Clerk.*

UNITED STATES OF AMERICA, *ss.*

The President of the United States, to the honorable the judge of the district court of the United States for the district of Louisiana, greeting:

Because, in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said district court before you, between Manuel Garcia and Samuel Lee, a manifest error hath happened, to the great damage of the said Manuel Garcia, as by his complaint appears; we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command, if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington, on the first Monday of August next, in the said Supreme Court, to be then and there held; that the record and proceedings aforesaid, being inspected, the said Supreme Court may cause further to be done therein, to correct that error, what of right and according to the laws and custom of the United States should be done.

Witness, the honorable Roger B. Taney, chief justice of the Supreme Court of the United States, this second Monday of January, in the year of our Lord one thousand eight hundred and thirty-seven.

[SEAL.] DUNCAN N. HENNEN, *Cl'k.*

B No. 1.

*Extrait d'une lettre adressée le* 11 *Germinal, an* 13, (1*er Avril*, 1803) *par le ministre des affaires étrangères à Mr. Desforgues, commis. des relations commerciales à la Nouvelle Orleans.*

La Louisiane a été cedée aux Américains telle que la France l'avait reçue de l'Espagne. Les droits du nouveau possesseur sont les mêmes que ceux que nous avions acquis. Et S. M. I., en déclarant, conformément aux traités, qu'elles étaient l'étendue des bornes de ses prétentions, énonce, en même tems, celles que doivent avoir les prétentions des Américains.

Les Etats Unis prétendent avoir acquis, avec la Louisiane, une partie des Florides, mais cette disposition n'est exprimée dans aucun traité, elle est contraire à tous ceux qui ont été conclus. La France, qui n'avait cedé à l'Espagne, en 1763, que le territoire situé à l'occident du Mississipi et de la rivière d'Iberville, n'a obtenu de l'Espagne, en Vendémiaire, an 9, qu'une rétrocession dont l'étendue le mesure nécessairement sur la cession qu'elle avait faite. Elle n'a cédé, en l'an 11, aucun autre territoire aux E. U. Elle n'a reconnu aucune des prétentions qu'ils élevaient à la possession d'une partie des Florides, en vertu du même traité.

S. M. I., m'ayant autorisé d'en faire la déclaration formelle aux ministres plénip'res du Gouv't Fédéral, c'est dans ce sens que je me suis

constamment expliqué avec eux, soit verbalement, soit dans mes notes officielles. La cour de Madrid a reçu, de la part de S. M. I., les mêmes déclarations. Vous pourrez donc, monsieur, vous exprimer d'après ces mêmes principes, dans les occasions où vous seriez consulté sur les discussions des E. U. et de l'Espagne, relatives aux limites orientales de la Louisiane.

Pour extrait conforme à la minute conservée aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Mr. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 2.

PARIS, *May* 19—*Mai*—1803.
30 *Floreal, an XI.*

*Jas. Monroe, envoy extraordinary and minister plenipotentiary of the United States of America, to his excellency, the minister of foreign relations of the French Republic.*

CITIZEN MINISTER: As some months will elapse before we can receive the decision and commands of our Government respecting the treaty and conventions which we have had the honor to conclude with M. Marbois, under your ministry, I consider it my duty to pursue, in the interval, the remaining objects of my mission, which are now to be adjusted with his Catholic Majesty, the King of Spain. With that view, I propose to set out, as soon as circumstances will permit, to Madrid, which, I flatter myself, will be practicable in the course of the next week. In the happy conclusion of our nogotiation with your Government, a sentiment which I am persuaded will be always cherished by both nations of the result, M. Marbois promised, on the part of the Frst Consul, his friendly intercession and support of our negotiations with his Catholic Majesty for the Floridas. Permit me to invite your attention to that subject, and to request that you will be so obliging as to furnish me such aid, either by instructions to your ambassador at the court of Madrid, or in such other mode as may be deemed most suitable to the character of the powers interested, be best calculated to promote success in the object desired, and to manifest the very friendly disposition of the First Consul to the U. States, of which I entertain the most perfect confidence. I beg you, citizen minister, to accept the assurance of my high consideration and esteem.

(Signed) JAS. MONROE.

Pour copie conforme à l'original conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, *30th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Mr. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 3.

*Article premier du traité entre la République Française et les Etats Unis d'Amérique, du 10 Floréal, an XI,* (30 *Avril*, 1803.)

ARTICLE 1.

Attendu que par l'article 3 du traité conclu à St. Ildephonse 9 Vend're, an 9, (1er Octobre, 1800,) entre le Premier Consul de la République Française and sa Majesté Catholique, il a été convenu ce qui suit:

"Sa Majesté Catholique promet et s'engage de son coté a rétrocèder à la République Française, six mois après l'exécution pleine et entière des conditions and stipulations ci-dessus, relatives à son altesse royale le Duc de Parme, la colonie u province de la Louisiane, avec la même étendue qu'elle a actuellement entre les mains de l'Espagne, et qu'elle avait lorsque la France la possédait, et telle qu'elle doit être d'après les traités passés subséquemment entre l'Espagne et d'autres états."

Et comme par suite du dit traité, et spécialement du dit article 3, la République Française a un titre incontestable au domaine et à la possession du dit territoire, le Premier Consul désirant de donner un témoignage remarquable de son amitié aux dits Etats Unis, il leur fait, au nom de la République Française, cession à toujours et en pleine souveraineté du dit territoire, and avec tous ses droits and appartenances, ainsi et de la manière qu'ils ont été acquis par la République Française en vertu du traité susdit, conclu avec sa Majesté Catholique.

Fait à Paris, le dixième jour de Floréal, an onze de la République Française, et le 30 Avril, 1803.

(Signé) BARBE MARBOIS,
*Réprésentant de la République Française.*
ROBERT R. LIVINGSTON,
*Ministre Plénipotentiaire des Etats Unis; et*
JAMES MONROE,
*Ministre Plénipotentiaire et Envoye Extraordinaire des dits Etats.*

Pour extrait conforme à l'original conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Mr. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 4.

*Extrait d'un projet de traité entre la France et l'Espagne, du 26 Vendémiaire, an* 11, *(18 Octobre,* 1802.)

ARTICLE 1.

Les Etats de Parme mis à la disposition de la France par le traité d'Aranjuès du 30 Ventose, an 9, (21 Mars, 1801,) sont cédés à S. M. C. pour être reunis au royaume d'Etrurie.

ARTICLE 2.

Le milieu du Pô, depuis l'extrémité nord-est du département de Marengo jusqu'au confluent de la Lenza, et le milieu de cette dernière rivière depuis sa source jusqu'à son embouchure, serviront de limites entre la République Italienne et les Etats cédés par l'article précédent; leur limite occidentale sera rectifiée de la manière la plus propre à couvrir les frontières respectives, et à assurer le service des douanes.

ARTICLE 3.

Les Etats de Parme suivront en tout point le sort du royaume d'Etrurie, dont ils deviennent partie intégrante. Ils ne pourront pas en être démembrés pour devenir l'apanage d'une branche de la maison régnante; et l'Espagne y exercera de la même manière, et dans les mêmes circonstances, les droits de propriétés et ceux de succesion éventuelle qui lui sont assurés sur le royaume d'Etrurie par l'article 7 du traité d'Aranjuès, ci-dessus rappelé.

ARTICLE 4.

L'Espagne, en compensation des avantages qui lui sont assurés par le présent traité, rétrocède à la France la rivière et le port de la Mobile, et le territoire qui lui a appartenu avant 1763, à l'occident de cette rivière, seulement depuis le point le plus septentrional du 31r dégré de latitude nord, jusqu'à la rivière d'Iberville et au golfe du Mexique. De plus, elle cède à la France les autres parties de la Flo-

ride Occidentale, et toute la Floride Orientale, avec les fleuves, lacs, ports, bayes, îles, et détroits qui dépendent de l'un et de l'autre territoires, et en s'étendant au nord jusqu'à la ligne de démarcation tracée dans l'art. 2 du traité d'amitié, de limites, et de navigation, conclu le 27 Octobre, 1795, entre S. M. C. et les Etats Unis d'Amérique.

Pour extrait conforme à la minute conservée aux archives des affaires étrangères.

Le conseiller d'etat, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March* 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of M. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 5.

Articulos de capitulacion convenidos y acordados entre el Sõr Dn. Bernardo de Galvez, caballero pensionado de la real y distinguida orden de Carlos 3, mariscal de campo de los rs. extos. de S. M. C., inspector, superintendente, y gobernador-general de la provincia de la Luisiana, y comandante-general de la expedicion, y los Exmõs Señores Dn. Pedro Chester, escudero, capitan-general, gobernador, comandante en gefe, canciller, y vice almirante por S. M. B. de la provincia de West Florida, y Dn. Juan Campbell, mariscal de campo, y comandante-general de las tropas de S. M. B. en dha. provincia.

ARTICULO 1.

Todos los fuertes y puestos que al presente occupan las tropas de S. M. B. serán (dentro del término convenido) entregados a las de S. M. C. Los soldados Ingleses, y los marineros, saldrán con todos los honores de la guerra, armas al hombro, tambor batiente, bandera desplegada, dos cañones de campaña con seis descargas, y el mismo numero cada soldado a quinientas baras de sus diferentes puestos, donde rendirán las armas, y la oficialidad conservará sus espadas, y seguidamente se embarcarán lo mas pronto posible en buques bien acondicionados, y aprovisionados de cuenta de S. M. C., para ser

ARTICULO 1.

Concedido, exceptuando unicamente los puestos de la isla de Jamayca, y él de San Agustin de la Florida; y en punto al cange de los prisioneros serán preferidos, siendo de cuenta de S. M. B. la conduccion de los que enviaren a los puertos de España para su cambio.

conducidos á qualquiera de los puestos de la Gran Bretaña que eleja el Mayor General Campbell. Las tropas y marineros estaván baxo la inmediato direccion de sus respectivos oficiales, y no podrán servir contra la España ó sus aliados hasta tanto que se verifique un cange por igual numero de prisioneros Españoles, ó de sus aliados, conforme á la costumbre establecida en igualdad varigos y cosas equivalentes.

ARTICULO 2.

El estado mayor, comisarios, guarda de almacen, y generalmente todo individuo, que por su oficio ó empleo dependa de las tropas, serán inclusos en el antecedente articulo.

ARTICULO 2.

Concedido.

ARTICULO 3.

Se facilitará un barco bien provisto de todo lo necesario á costa de S. M. C., que servirá de hospital para embarcar los enfermos y heridos que estén en estado de acompañar las demás tropas al puesto, que se retirasen; á los enfermos y heridos que quedasen, se les deberá dar buena asistencia, y luego que esten establecidos se enviarán en un barco parlamentario al mismo parage.

ARTICULO 3.

Concedido; debiendo el General Campbell dexar comisarios, cirujanos, y medicinas, para la asistencia de los enfermos al costo de S. M. B. para ser transportados por cuenta de S. M. C. como el resto de la guarnicion.

ARTICULO 4.

Se conservará los criados que por las ordenanzas de marina estan concedidos á los capitanes y oficiales de marina, y serán comprehendidos en el primer articulo.

ARTICULO 4.

Concedido.

ARTICULO 5.

Todos los bienes particulares, bagages, y efectos de todos los oficiales, soldados, y marineros que

ARTICULO 5.

Concedido: en lo que respecta á bagages, y equipage segun costumbre del Exto.

componen la guarnicion de los fuertes ó puestos comprehendidos en esta capitulacion, se les dexarán y conservarán sin daño ni molestia alguna, y se les permitirá embarcarlos en los buques, que segun el primer articulo deben destinarse, ó venderlos en Panzacola, si les acomoda.

ARTICULO 6.

Se habrán de conservar todos los papeles necesarios, para arreglar las cuentas, que hubiere pendientes en Inglaterra, á otra parte.

ARTICULO 6.

Concedido, despues de haberse reconocido.

ARTICULO 7.

Un barco, que baxo bandera parlamentaria, envio á la Havana (algun tiempo hace) el Capitan Deans, comandante de la marina, que habia entonces en Panzacola, se enviará al mismo puerto que las tropas y marineros de esta guarnicion se retirasen, segun lo estipulado en el arto. 1.

ARTICULO 7.

Concedido.

ARTICULO 8.

Se facilitará un barco comodo, y bien provisto de todo lo necesario á costa de S. M. C., para transportar al gobernador su familia, bienes, y efectos á la Gran Bretaña, ó qualquiera otro Gobierno de S. M. B. en la América del Norte, segun lo tubiere por conveniente, y mientras permanezca en la provincia, occupará la casa de gobierno de la ciudad de Panzacola, protegiendo su persona, papeles, bienes, y efectos, los que no se visitarán, antes ni al tiempo de su partida.

ARTICULO 8.

Concedido, á excepcion de que tomará otra casa, que la de gobierno que solicita.

ARTICULO 9.

Se proporcionará otro barco comodo, y bien provisto de todo

ARTICULO 9.

Concedido.

lo necesario á costa de S. M. C., para transportar al Mayor General Dn. Juan Campbell, su acompañamiento, familia, bienes, y efectos, á la Gran Bretaña, ó qualquier puerto de S. M. B. de la América del Norte, si lo tubiere por conveniente; y mientras permanezca en la provincia, se le hade dar un buen alojamiento para su persona, acompañamiento, y familia, y habrá de ser protegido, como igualmente sus papeles, bienes, y efectos no se visitarán, antes ni al tiempo de su partida.

ARTICULO 10.

Se nombrarán reciprocamente comisarios para formar el inventario de la artilleria, municiones, pertrechos, y viveres, que hubiere en los almacenes pertenecientes á S. M. B. en los diferentes fuertes y puestos de la provincia, y entregarán á la disposicion del comandante gral. de las tropas Españolas.

ARTICULO 10.

Concedido.

ARTICULO 11.

Los oficiales de marina, y de la guarnicion, que necesiten subsister en la provincia, para arreglar sus asuntos particulares, tendrán permiso, durante el tiempo que hubieren menester para terminarlos.

ARTICULO 11.

Concedido.

ARTICULO 12.

La provincia quedará á S. M. C. hasta tanto que Sus Magestades B. y C. determinen su fuerte, en cuyo tiempo los oficiales, civiles, de marina, y de exto. que permanecieren, los comerciantes, y demas habitantes, no serán obligados por ningun motivo á tomar las armas contra S. M. B., sus aliados, ó qualquiera otra potencia, y por ningun pretexto sufrirán perjuicio

ARTICULO 12.

La provincia quedará por la España, y los habitantes, serán tratados segun la capitulacion de Baton Rouge, con la prorogacion de quatro meses mas para poderse retirar.

en sus personas, bienes, y efectos, de mar ó de tierra, por vasallos de S. M. C., ó sus aliados, siendo protegidos como los naturales del reyno de España.

ARTICULO 13.

Los jueces y demas oficiales civiles del gobierno que tubieren proporcion de quedarse, para finalizar sus asuntos, serán transportados igualmente a la Gran Bretaña, ó qualquiera otro Gobierno de la América del Norte, si lo tubieren por conveniente, en barcos bien provistos de todo lo necesario, á costa de S. M. C., con sus familias, bienes, efectos, y papeles, que no serán inspeccionados.

ARTICULO 14.

Los oficiales civiles de marina y del exercito que quedaren con la intencion de arreglar sus asuntos particulares, algun tiempo despues que las embarcaciones, se hayan facilitad para transportar los demas, á la Gran Bretaña, ó otra parte, segun queda referido en los articulos antecedentes; los mercadores y otras personas mientras su permanencia en la provincia, y quando se ausenten, los apoderados, que dexen nombrados, y asi mismo los de los ausentes, se les conservarán todos sus derechos y privilegios, y se mantendrán en la pacífica y tranquila posesion de sus bienes, y efectos propios, y personales movibles ó inmovibles de qualquiera otra calidad que sean, y tendrán facultad de vender á su voluntad, como lo hubieran hecho antes de ahora, y el producto podran emplearlo, en lo que les sea mas conveniente, para transportarse á su

ARTICULO 13.

Se concederán parlamentarios para que se retiren, pero á su costa.

ARTICULO 14.

Concedido por el termino de año.

costa, con sus familias, á qualquiera parte de los dominios de S. M. B., en buques parlamentarios, los que se les facilitarán con los pasaportes correspondientes, que los ponga al abrigo, como á sus familias y efectos del daño que pudieran recibir de los vasallos y aliados de S. M. C.

ARTICULO 15.

No se obligará á los habitantes de qualquier calidad que sean, á queden alojamiento á las tropas de S. M. C. Los negros, mulatos, y mestizos libres se conservaran en su estado.

ARTICULO 15.

Los habitantes darán alojamiento interin la necesidad lo exija; en quanto á los negros, y mulatos libres, concedido, siempre que el General Campbell acuerde la libertad á un negro libre, que tomaron en el ataque del village.

ARTICULO 16.

No se pondrá restriccion alguna, in impedirá el libre uso de religion, como ha sucedido antes de ahora.

ARTICULO 16.

Concedido en todo el término de un año hasta la decision del Rey mi amo.

ARTICULO 17.

Los negros, que se han alquilado para trabaxar en las fortificaciones (durante el sitio) no se quitarán á sus amos por este motivo, conservando estos su propriedad, como del resto de sus bienes.

ARTICULO 17.

Concedido.

ARTICULO 18.

Los libros, registros, y papeles publicos, que se hallan en los archivos de gobierno, y otros quedarán al asi dado de los mismos oficiales, á cuyo cargo estavan, y por ningun motivo se permitiráse saquen, á menos pre no se hayan perdido ó extraviado.

ARTICULO 18.

Todos los papeles publicos seran entregados á la persona, que yo destinare para su reconocimiento; y en caso de no ser utiles para el gobierno de la provincia, se devolverán á los oficiales civiles.

ARTICULO 19.

No se molestará por ningun motivo á los habitantes, ni otras personas de qualquier calidad que sean, que hayan tomado las armas para defender la provincia.

ARTICULO 19.

Concedido.

ARTICULO 20.

Se concederán dos carros cubiertos, que saldrán con la tropa, los quales no serán visitados por ningun motivo.

ARTICULO 20.

Concedido.

ARTICULO 21.

El ganado, y demas provisiones, tomadas á los habitantes de esta provincia para la subsistencia de las tropas de S. M. C. se pagarán enteramente á los precios establecidos en el parage donde se hayan tomado.

ARTICULO 21.

Este articulo es inutil, respecto á no haberse tomado ganado, ni otra cosa, á los habitantes.

ARTICULO 22.

Se permitirá al gobernador comandante de las tropas de esta provincia, si lo tubiere por conveniente, enviar aviso de esta capitulacion en buques parlamentarios, ó de otra manera, al gobernador de la Florida del Este, al comandante en gefe de la America del Norte, á la Jamayca, y á la Gran Bretaña.

ARTICULO 22.

Concedido.

ARTICULO 23.

Los prisioneros hechos por las armas de España, desde el dia 9 de Marzo, se univan á las guarniciones de los puestos, que deben dexar, por estar baxo del mismo pré, que queda estipulado en el articulo primero; y todos los Españoles, que tengan dado su palabra en Panzacola, ó que están baxo la posesion de las tropas Inglesas, se pondrán en libertad, á excepcion de aquellos que no hubieron cumplido con su palabra.

ARTICULO 23.

Concedido.

ARTICULO 24.

Los negros que, durante el sitio, se hayan ausentado por miedo de devolverán á sus dueños, luego que se encuentren.

ARTICULO 24.

Concedido, ó si trajese algun inconveniente, se les dará el precio de su estimacion.

ARTICULO 25.

Se proporcionará alojamiento para las tropas, y marineros, hasta que se puedan embarcar en los buques que se deben facilitar, segun el primer articulo.

ARTICULO 25.

Concedido.

ARTICULO 26.

Se habrá de observar de buena fé la plena y entera execucion de la presente capitulacion; y en caso de ocurrir alguna duda que no se haya previsto en los articulos antecedentes, se aclarará en el supuesto, que la intencion de las partes contratantes es, que se to me ladeterminacion mas conforme á la humanidad, y generoso modo de pensar.

ARTICULO 26.

Concedido.

Fuerte Jorge, 9 de Mayo de 1781.

PEDRO CHESTER.
JUAN CAMPBELL,
*Mayor General.*

Campode Panzacola, 9 de Mayo de 1781.

BER'DO DE GALVEZ.

*Articulos aumentados.*

*Adicion.*

ARTICULO 27.

En caso que alguno ó muchos soldados, y marineros Ingleses, que en la actualidad se hallan ausentes de sus respectivos cuerpos, y fugitivos en los bosques sean tomados por las tropas de España, ó de sus aliados, se considerarán lo mismo que si fueran una parte de la guarnicion, y como tales, si son aprehendidos antes de la partida de las demas tropas, se les permitirá su reunion á ellas; y si despues, podran incluirse en el barco hospital con los enfermos y heridos que quedaren conforme á lo estipulado en el articulo tercero para ir al mismo puerto que la guarnicion se retirase.

ARTICULO 27.

Concedido, á menos que se presenten en calidad de desertores.

ARTICULO 28.

Por ningun motivo, ni pretexto alguno, se solicitará que los soldados ó marineros Ingleses tomen partido en el servicio de España, ni de sus aliados.

PEDRO CHESTER.
JUAN CAMPBELL,
*Mayor General.*

ARTICULO 28.

Concedido, pero á losque se presenten espontaneamente, se les acordará la proteccion.

BERN'DO DE GALVEZ.

Es conforme al original que queda en esta secretaría de gobierno de mi cargo al que me remito. Nueva Orleans, á primero de Julio de mil setecientos noventa y nueve.

ANDRES LOPE ARMESTO.

B No. 6.

*Extrait de l'acte préliminaire de la cession de la Louisiane aux Espagnols, signé à Fontainebleau, le 3 Novembre,* 1762.

Le Roi très Chrétien étant dans la ferme résolution de resserrer de plus en plus et de perpétuer les liens de la tendre amitié qui l'unissent au Roi Catholique, son cousin, se propose d'agir, en conséquence, en tous tems et à tous égards, avec sa Majesté Catholique, dans une parfaite uniformité de principes relativement à la gloire commune de leur maison et à l'intérêt réciproque de leurs monarchies.

Dans cette vue, sa Majesté très Chrétienne, véritablement sensible aux sacrifices que le Roi Catholique a bien voulu faire généreusement pour concourir avec elle au rétablissement de la paix, a désiré de lui donner à cette occasion une preuve du vif intérêt qu'elle prend à sa satisfaction et aux avantages de sa couronne.

Pour cet effet, le Roi très Chrétien a autorisé le Duc de Choiseul, son ministre, à délivrer, dans la forme la plus authentique, au Marquis de Grimaldi, ambassadeur extraordinaire du Roi Catholique, un acte par lequel sa Majesté très Chrétienne cède, en toute propriété, purement et simplement, et sans aucune exception, à sa Majesté Catholique, et à ses successeurs, à perpetuité, tout le pays connu sous le nom de Louisiane, ainsi que la Nouvelle Orléans, et l'île dans laquelle cette ville est située.

Mais le Marquis de Grimaldi, n'étant pas assez exactement informé des intentions de sa Majesté Catholique, a cru ne devoir accepter la dite cession que conditionnellement, et *sub spe rati*, en attendant que les ordres qu'il recevra du Roi, son maître, lesquels s'ils sont conformes aux désirs de sa Majesté très Chrétienne, comme elle l'espère, seront immediatement [suivis] de l'acte formel et authentique [de la] cession, dont il s'agit, dans lequel seront stipulées les mesures à prendre et l'époque à fixer, d'un commun accord, tant pour l'évacuation de la Louisiane et de la Nouvelle Orléans, par les sujets de sa Majesté très Chrétienne, que pour la prise de possession des dits pays et ville par les sujets de sa Majesté Catholique.

En témoignage de quoi, nous ministres respectifs avons signé le présent acte préliminaire, et nous y avons fait apposer le cachet de nos armes. Fait à Fontainebleau, le 3 Novembre, 1762.

(Signé) Le DUC DE CHOISEUL, et
Le MARQUIS DE GRIMALDI.

Cet acte a été ratifié par sa Majesté Catholique, le 13 Novembre, 1762.

Et par sa Majesté très Chrétienne le 23 Novembre, suivant.

Pour extrait conforme à l'original conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Monsieur Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 7.

*Extrait de l'article* VI *des préliminaires de paix entre le Roi de France, le Roi de la Grande Bretagne, et le Roi d'Espagne, signés à Fontainebleau, le* 3 *Novembre*, 1762.

Afin de rétablir la paix sur des fondemens solides et durables, et écarter pour jamais tout sujet de dispute par rapport aux limites des territoires Français and Britannique sur le continent de l'Amérique, il est convenu qu'à l'avenir les confins entre les états de sa Majesté très Chrétienne et ceux de sa Majesté Britannique, en cette partie du monde, seront irrévocablement fixés par une ligne tirée au milieu du fleuve Mississipi depuis sa naissance jusqu' à la rivière d'Iberville, et delà par une ligne tirée au milieu de cette rivière et des lacs Maurepas et Pontchartrain, jusqu'à la mer; et à cette fin, le Roi très Chrétien cède en toute propriété et garantie à sa Majesté Britannique, la rivière et le port de la Mobile, et tout ce qu'il possède ou a dû posséder du côté gauche du fleuve Mississipi, à l'exception de la ville de la Nouvelle Orléans, et de l'île dans laquelle elle est située, qui demeureront à la France; bien entendu que la navigation du fleuve Mississipi sera également libre, tant aux sujets de la Grande Bretagne comme à ceux de la France, dans toute sa largeur et dans toute son étendue, depuis sa source jusqu'à la mer, et [nommément celle] partie qui est entre la susdite île de la Nouvelle Orléans, [et la rive] droite de ce fleuve, aussi bien que l'entrée et la sortie par son embouchure.

Pour extrait conforme à l'original conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Mr. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON,

B No. 8.

*Extrait d'une lettre du Ministre des Affaires Etrangères, Chs. Lacroix, au Général Bonaparte, du* 14 *Messidor, an V,* (2 *Juillet*, 1797.)

Cette convention doit avoir pour base la cession de la Louisiane and de la Floride Occidentale à la République, dans l'hypothèse que les évènemens permittent au Gouvernement Français de procurer au Duc de Parme une augmentation de territoire telle que la Romagne ou toute autre partie.

Pour extrait conforme à la minute conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Mr. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 9.

*Extrait de la dépêche du Général Berthier au Citoyen Talleyrand, Ministre des Relations Extérieures.*

SAINT ILDEFONSE, *le* 25 *Fructidor, an VIII,*
12 *Septembre*, 1800.

La réponse du Roi fut: qu'il s'en tenait à la parole qu'il avait donnée pour la rétrocession de la Louisiane telle qu'elle avait été cédée par le traité de 1763; qu'il ne pouvait donner des vaisseaux-lui, même en ayant besoin; qu'il ne consentirait jamais à céder les Florides; et qu'il était surpris qu'après avoir accordé ce qu'on sollicitait depuis si longtemps, on lui fit encore de nouvelles demandes.

Pour extrait conforme à l'original conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Monsieur Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 10.

*Extraits des instructions données au Général Beurnonville, en Vendémiaire, an* 11, (*Octobre*, 1802.)

L'affaire la plus importante dont vous ayez à vous occuper est de faciliter cette dernière prise de possession (de la Louisiane,) qui doit avoir lieu avant la fin de la saison, en obtenant du gouvernement Espagnol qu'il donne au gouverneur de la Louisiane, s'il ne l'a pas déjà fait l'ordre précis de la remettre au capitaine général que la consul y envoie.

* * * * * * * * * * *

La rétrocession faite par l'Espagne ne s'étend à l'orient que jusqu' au Mississipi; mais le Secrétaire d'Etat, M. d'Urquijo, avait fait espérer au Général Berthier, chargé de cette négociation, et qui insistait sur l'abandon de l'une des deux Florides, qu'à la paix générale, il ne doutait pas que le Roi ne consentit à céder toute la partie des Florides qui s'étend jusqu'à la Mobile, et le Premier Consul en fesait la demande.

Les difficultés qui l'Espagne a fait ensuite pour effectuer la cession de la Louisiane ont fait penser jusqu'à présent au Gouvernement Français que le moment n'était pas encore arrivé de demander une extension de territoire ; mais la paix a mis la France dans une si belle position, qu'il semble nécessaire de ne pas ajourner plus longtems les démarches nécessaires pour obtenir l'agrandissement dont le ministre du Roi d'Espagne a flatté le négociateur Français. La partie de la Floride que vous avez à réclamer avait aussi appartenu à la France avant la paix de 1763 ; il est simple qu'elle désire rentrer dans cette ancienne possession, où il doit se trouver encore un grand nombre de familles Françaises.

Pour extrait conforme à la minute conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Mr. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 11.

*Extrait d'une note de Mr. R. Livingston, Ministre des Etats Unis à Paris, du 23 Février, 1803, (4 Ventose, an XI,) adressée à Bonaparte, Premier Consul.*

Si les officiers chargés de prendre possession n'ont pas des ordres exprès de respecter le droit de navigation et d'entrepôt que réclament les Etats Unis, je dois solliciter avec instance un traité, qui en reconnaissant les droits des Etats Unis, explique les conditions auxquelles l'Espagne a cédé la Louisiane à la France.

Si à tout cela, Citoyen Premier Consul, vous ajoutiez volontairement, et comme une marque de votre bienveillance, la clause provisionnelle que dans le cas d'une cession des Florides à la France, les citoyens des Etats Unis jouiront du passage libre par les rivières Mobile et Pensacola, avec le droit d'entrepôt à leurs embouchures, cet acte utile au commerce de France serait pour les Américains un sujet de reconnaissance qui resserrerait fortement les nœuds de l'amitié entre les deux [nations alliées;] car quoique le commerce de ces rivières [soit peu] de chose aujourd'hui, il peut néanmoins devenir plus important à mesure que le pays s'établira; et la certitude que ce bienfait donnerait aux Américains de vos dispositions amicales en rehausserait considérablement le prix.

Pour extrait conforme à l'original conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Mr. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 12.

*Article 3 du traité préliminaire et secret du 9 Vendémiaire, an 9, (1er Octobre, 1800,) entre la France et l'Espagne.*

Sa Majesté Catholique promet et s'engage de son côté à rétrocéder à la République Française, six mois après l'exécution pleine et entière des conditions et stipulations ci-dessus relatives à S. A. R. le Duc de Parme, la colonie ou province de la Louisiane, avec la même étendue qu'elle a actuellement entre les mains de l'Espagne, et qu'elle avait lorsque la France la possédait, et telle qu'elle doit être d'après les traités passés subséquemment entre l'Espagne et d'autres états.

Pour copie conforme à l'original conservé aux archives des affaires étrangères.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

PARIS, 30*th March*, 1835.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States of America to the court of his majesty, the King of the French, certifies as genuine the signature of Mr. Mignet.

In testimony whereof, he affixes his signature, and causes the seal of the legation to be affixed.

[SEAL.] EDW. LIVINGSTON.

B No. 13.

*Renseignemens relatifs aux limites de la Louisiane, du côté des Florides, communiqués à Mr. White, membre de la Chambre des Représentans des États Unis, et chargé par le Gouvernement Fédéral de recueillir les documens relatifs à ces limites.*

A la paix du 3 Novembre, 1762, entre la France et l'Angleterre, la France céda par l'article 6 du traité préliminaire du même jour, ratifié par le trois puissances les 12, 13, et 14 du même mois, une partie de la Louisiane à l'Angleterre. Cet article est ainsi conçu: "Afin de rétablir la paix sur des fondemens solides et durables, et écarter pour jamais tout sujet de dispute par rapport aux limites des territoires Français et Britannique sur le continent de l'Amérique, il est convenu qu'à l'avenir les confins entre les états de S. M. très Chrétienne et ceux de S. M. Britannique en cette partie du monde, seront irrévocablement fixés par une ligne tireé au milieu du fleuve Mississipi, depuis sa naissance jusqu'à la rivière d'Iberville, et delà par une ligne au milieu de cette rivière et des lacs Maurepas et Pontchartrain jusqu'à la mer; et à cette fin le Roi très Chrétien cède, en toute propriété et garantie, à S. M. Britannique, la rivière et le port de la Mobile, et tout ce qu'il possède ou a dû posséder du côté gauche du fleuve Mississipi, à l'exception de la ville de la Nouvelle Orléans, et de l'île dans laquelle elle est située, que demeureront à la France; bien entendu que la navigation du fleuve Mississipi sera également libre, tant aux sujets de la Grande Bretagne comme à ceux de la France, dans toute sa largeur et dans toute son étendue, depuis sa source jusqu'à la mer, et nommément celle partie qui est entre la susdite île de la Nouvelle Orléans et la rive droit ede ce fleuve aussi bien qùe l'entrée et la sortie par son embouchure."

Cet article fut confirmé par l'art. 7 du traité définitif du 10 Février, 1763, signé à Paris, par les plénipotentiaires des trois puissances, et auquel accéda le Portugal.

Le jour même où fut conclu le traité préliminaire du 3 Novembre, 1762, la France abandonna à l'Espagne, par un acte de cession secret, la partie de la Louisiane qu'elle conservait. Voici la teneur de cet acte de cession:

"Le Roi très Chrétien étant dans la ferme résolution de resserrer de plus en plus, et de perpétuer les liens et la tendre amitié qui l'unissent au Roi Catholique, son cousin, se propose d'agir en conséquence, en tout tems et à tous égards, avec S. M. Catholique, dans une parfaite uniformité de principes relativement à la gloire commune de leur maison, et à l'intérêt réciproque de leurs monarchies.

"Dans cette vue, S. M. très Chrétienne, véritablement sensibl.

sacrifices que le Roi Catholique a bien voulu faire généreusement pour concourer avec elle au rétablissement de la paix, a désiré de lui donner à cette occasion une preuve du vif intérêt qu'elle prend à sa satisfaction et aux avantages de sa couronne.

" Pour cet effet, le Roi très Chrétien a autorisé le Duc de Choiseul, son ministre, à délivrer dans la forme la plus authentique au Marquis de Grimaldi, ambassadeur extraordinaire du Roi Catholique, un acte par lequel S. M. très Chrétienne cède, en toute propriété, purement et simplement, et sans aucune exception, à S. M. Catholique, et à ses successeurs, à perpétuité, tout le pays connu sous le nom de la Louisiane, ainsi que la Nouvelle Orléans, et l'île dans laquelle cette ville est située.

"Mais le Marquis de Grimaldi n'étant pas assez exactement informé des intentions de S. M. Catholique, a cru ne devoir accepter la dite cession que conditionnellement, et *sub spe rati*, en attendant les ordres qu'il recevra du Roi, son maître, lesquels s'ils sont conformes aux désirs de S. M. très Chrétienne, (comme elle l'espère,) seront immédiatement suivis de l'acte formel et authentique de la cession dont il s'agit, dans lequel seront stipulées les mesures à prendre et l'époque à fixer d'un commun accord, tant pour l'évacuation de la Louisiane et de la Nouvelle Orléans par les sujets de S. M. très Chrétienne, que pour la prise de possession des dits pays et ville par les sujets de S. M. Catholique.

" En témoignage de quoi, nous ministres respectifs avons signé le présent acte préliminaire, et nous y avons fait apposer le cachet de nos armes.

" Fait à Fontainebleau, le 3 Novembre, 1762

[L. S.] " Le DUC DE CHOISEUL.

[L. S.] " Le MARQUIS DE GRIMALDI."

Le Roi d'Espagne accepta cette cession par un acte du 13 Novembre, de la même année ; mais sa mise en possession fut déférée jusqu'au 21 Avril, 1764.

Depuis cette époque, la Louisiane, telle qu'elle avait été possédée par la France avant 1762, resta divisée en deux parties ; celle de ces parties qui fut cédée à l'Angleterre, et qui s'étendait à l'est de la ligne du Mississipi, de la rivière d'Iberville, des lacs Maurepas et Pontchartrain, jusqu'au *rio Perdido*, forma la Floride Occidentale ; celle qui fut cédée à l'Espagne conserva seule le nom de Louisiane.

Dans la guerre de 1779, l'Espagne conquit la Floride Occidentale sur l'Angleterre, qui la lui céda par l'art. 5 du traité de Versailles du 3 Septembre, 1783, en lui fesant aussi l'abandon de la Floride Orientale.

A la suite de ce traité, l'Espagne possédait les deux parties de l'ancienne Louisiane : l'une, à l'ouest de la ligne du Mississipi, de la rivière d'Iberville, des lacs Maurepas et Pontchartrain, du fait de la France ; l'autre, à l'est de cette ligne, du fait de l'Angleterre ; la première en vertu de l'acte de cession du 3 Novembre, 1762 ; la seconde en vertu du traité du 3 Septembre, 1783.

Cet était l'état des choses en Vendémiaire, an 9, (Septembre 7, 1800,) lorsque l'Espagne rétrocéda la Louisiane à la France. Le traité de

rétrocession fut précédé de négociations entamées à plusieurs reprises. Dès l'an 4, (1796,) l'ambassadeur de la République Française à Madrid, le citoyen Pérignon, fut chargé de sonder à cet égard le Gouvernement Espagnol. Celui-ci parut entrer dans les vues de la France, en recherchant un accroissement de territoire en Italie pour le Duc de Parme. Le prix de cet agrandissement devait être la cession de la Louisiane et de la Floride Occidentale. Le ministre des relations extérieures, Delacroix, crut la négociation assez avancée le 14, Messidor, an 5, pour écrire au Général Bonaparte que le Directoire avait envoyé des pleins pouvoirs au Citoyen Pérignon, pour conclure une convention avec le Gouvernement Espagnol. "Cette convention," disait-il, "doit avoir pour bâse la cession de la Louisiane et de la Floride Occidentale à la République, dans l'hypothèse que les évènemens permettent au Gouvernement Français de procurer au Duc de Parme une augmentation de territoire telle que la Romagne ou toute autre partie."

Mais ce projet n'eut pas de suite. Plus tard, en l'an 8, le Général Berthier fut envoyé extraordinairement à Madrid pour reprendre la même négociation. En retour de l'agrandissement de territoire pour l'infant Duc de Parme, il demanda, d'après les instructions expresses du Gouvernement Consulaire, la cession de la Louisiane et des deux Florides. Mais il n'y trouva pas le Gouvernement Espagnol disposé. "La réponse du Roi," dit-il dans sa dépêche du 25 Fructidor, an 8, au ministre des relations extérieures de France, "fut, qu'il s'en tenait à la parole qu'il avait donnée pour la rétrocession de la Louisiane, telle qu'elle avait été cédée par le traité de 1763; qu'il ne consentirait jamais à céder les Florides; et qu'il était surpris qu' après avoir accordé ce qu'on sollicitait depuis si longtemps, on lui fit encore de nouvelles demandes." Les tentatives du Gouvernement Français pour obtenir les Florides furent inutiles, et il accepta la cession de la Louisiane seule, telle que la proposait le Gouvernement Espagnol.

C'est sur cette bâse que reposa le traité du 9 Vendémiaire, an 9, (1er Octobre, 1800.) L'article 3 de ce traité relatif à la Louisiane, fut conçu en ces termes:

"S. M. Catholique promet et s'engage de son côté à rétrocéder à la République Française, six mois après l'exécution pleine et entière des conditions et stipulations ci-dessus, relatives à S. A. R. le Duc de Parme, la colonie ou province de la Louisiane, avec la même étendue qu'elle avait lorsque la France la possédait, et telle qu'elle doit être d'après les traités passés subséquemment entre l'Espagne et d'autres états.'

La rétrocession de la Louisiane ayant été faite en tems de guerre, et le Général Berthier ayant écrit à son gouvernement, le 25 Fructidor, an 8, lors de la négociation, que le ministre d'Espagne, Mr. Urquijo, *lui avait laissé entrevoir qu'à la paix générale le Roi pourrait céder la moitié de la Floride Occidentale comprise entre la rive gauche du Mississipi et la rivière de la Mobile*, le Général Beurnonville fut chargé de cette nouvelle négociation, après la paix d'Amiens. Voici comment étaient conçues les instructions qui lui furent données à cet égard en Vendémiaire, an 11:

"L'affaire la plus importante dont vous ayez à vous occuper est de faciliter cette dernière prise de possession qui doit avoir lieu avant la

fin de la saison, en obtenant du Gouvernement Espagnol qu'il donne au gouverneur de la Louisiane, s'il ne l'a pas déja fait, l'ordre précis de la remettre au capitaine général que le consul y envoie. * * *

" La rétrocession faite par l'Espagne ne s'étend à l'orient que jusqu'au Mississipi; mais le Secrétaire d'Etat, Mr. d'Urquijo, avait fait espérer au Général Berthier, chargé de cette négociation, et qui insistait sur l'abandon de l'une des deux Florides, qu'à la paix générale, il ne doutait pas que le Roi ne consentit à céder toute la partie des Florides qui s'étend jusqu'à la Mobile, si le Premier Consul en fesait la demande."

"Les difficultés que l'Espagne a fait ensuite pour effectuer la cession de la Louisiane, ont fait penser jusqu'à présent au Gouvernement Français que le moment n'était pas encore arrivé de demander une extension de territoire; mais la paix a mis la France dans une si belle position, qu'il semble nécessaire de ne pas ajourner plus longtemps les démarches nécessaires pour obtenir l'agrandissement dont le ministre du Roi d'Espagne a flatté le négociateur Français. La partie de la Floride que vous avez à réclamer avait aussi appartenu à la France avant la paix de 1763. Il est simple qu'elle désire rentrer dans cette ancienne possession où il doit se trouver un grand nombre de familles Françaises."

Le Général Beurnonville reçut des pleins pouvoirs pour négocier l'échange des deux Florides en retour du duché de Parme, qui devait être cédé par la France au Roi Catholique, et être ajouté au royaume d'Etrurie. Il partit même avec un projet de traité, rédigé le 26 Vendémiaire, par le Premier Consul, et dont voici les dispositions relatives à cet échange:

ARTICLE 1.

"Les Etats de Parme mis à la disposition de la France par le traité d'Aranjuès du 30 Ventose, an 9, (21 Mars, 1801,) sont cédés à S. M. Catholique, pour être reunis au royaume d'Etrurie.

ARTICLE 2.

"Le milieu du Pô, depuis l'extrémité nord-est du département de Marengo jusqu'au confluent de la Lenza, et le milieu de cette dernière rivière depuis sa source jusqu'à son embouchure, serviront de limites entre la République Italienne et les Etats cédés par l'article précédent; leur limite occidentale sera rectifiée de la manière la plus propre à couvrir les frontières respectives, et à assurer le service des douanes.

ARTICLE 3.

"Les Etats de Parme suivront en tout point le sort du royaume d'Etrurie, dont ils deviennent partie intégrante. Ils ne pourront pas en être démembrés pour devenir l'apanage d'une branche de la maison régnante; et l'Espagne y exercera de la même manière, et dans les mêmes circonstances, les droits de propriétés et ceux de succession éventuelle qui lui sont assurés sur le royaume d'Etrurie par l'article 7 du traité d'Aranjuès, ci-dessus rappelé.

ARTICLE 4.

"L'Espagne, en compensation des avantages qui lui sont assurés par le présent traité, rétrocède à la France la rivière et le port de la Mobile, et le territoire qui lui a appartenu avant 1763, à l'occident de cette rivière, seulement depuis le point le plus septentrional du 31r dégré de latitude nord, jusqu'à la rivière d'Iberville et au golfe du Mexique. De plus, elle cède à la France les autres parties de la Floride Occidentale, et toute la Floride Orientale, avec les fleuves, lacs, ports, bayes, îles, et détroits qui dépendent de l'un et de l'autre territoires, et en s'étendant au nord jusqu'à la ligne de démarcation tracée dans l'art. 2 du traité d'amitié, de limites, et de navigation, conclu le 27 Octobre, 1795, entre S. M. Catholique et les Etats Unis d'Amérique."

Conformément à ses instructions, le Général Beurnonville négocia, pendant plusieurs mois, l'échange des Florides pour le duché de Parme. Mais cette négociation nouvelle ne conduisit à aucun résultat. L'Espagne garda les Florides, et la rupture imminente du traité d'Amiens décida le Gouvernement Français à transférer la Louisiane aux Etats Unis. Cette translation fut effectuée par le traité du 30 Avril, 1803. Par l'article 1er de ce traité, la France céda aux Etats Unis le territoire de la Louisiane tel qu'elle l'avait reçu de l'Espagne en 1800. "Attendu, est-il dit," dans cet article, "que par l'article 3 du traité conclu à St. Ildephonse, le 9 Vendémiaire, an 9, (1er Octobre, 1800,) entre le Premier Consul de la République Française et S. M. Catholique, il a été convenu ce qui suit:

"S. M. Catholique promet et s'engage de son côté à rétrocéder à la République Française, six mois après l'exécution pleine et entière des conditions et stipulations ci-dessus relatives à S. A. R. le Duc de Parme, la colonie ou province de la Louisiane, avec la même étendue qu'elle a actuellement entre les mains de l'Espagne, et qu'elle avait lorsque la France la possédait, et telle qu'elle doit être, d'après les traités passés subséquemment entre l'Espagne et d'autres états."

" Et comme par suite du dit traité, et spécialement du dit article 3, la République Française a un titre incontestable au domaine et à la possession du dit territoire, le Premier Consul de la République désirant de donner un témoignage remarquable de son amitié aux dits Etats Unis, il leur fait, au nom de la République Française, cession à toujours et en pleine souveraineté du dit territoire, avec tous ses droits et appartenances, ainsi et de la manière qu'ils ont été acquis par la République Française en vertu du traité susdit, conclu avec S. M. Catholique."

(Traduit de l'original Anglais, par Martins. Supp't, tome 3, page 466.)

Le territoire acquis par les Etats Unis ne dut pas dépasser la rive gauche du Mississipi, et ne comprit point la Floride Occidentale.

En effet, la France n'ayant obtenu de l'Espagne, par le traité de rétrocession de 1800, que la partie de l'ancienne Louisiane dont elle lui avait fait la cession par l'acte secret de 1762, elle ne put accorder aux Etats Unis, en 1803, que ce qu'elle avait reçu en 1800. Si

la Floride Occidentale, ou la partie de l'ancienne Louisiane s'étendant depuis la rive gauche du Mississipi jusqu'au rio Perdido, avait été également cédée à la France par l'Espagne en 1800, le traité de St. Ildephonse en aurait fait mention, puisque la France l'avait expressément réclamée dans les négociations qui avaient précédé ce traité. Le Gouvernement Français n'avait pas cru l'avoir obtenue, plus que le Gouvernement Espagnol n'avait cru l'avoir cédée; puisque deux aux après la cession de la Louisiane, il négociait l'échange des Florides pour le duché de Parme. C'est donc la Louisiane restreinte aux limites qu'elle eut après 1762, qui fut cédée par l'Espagne à la France en 1800, et transférée par la France aux Etats Unis en 1803.

Le Gouvernement Fédéral lui-même a considéré cette question sous le même point de vue; il a séparé la Floride Occidentale de la Louisiane, et il a reconnu les droits de l'Espagne sur elle. En voici de nombreuses preuves:

1. En 1795, par l'art. 2 du traité du 27 Octobre, entre les Etats Unis et l'Espagne, le Gouvernement Fédéral reconnut que les limites de la Floride Occidentale commençaient au Mississipi, et il ne le confond point avec la Louisiane.

2. Le 4 Ventose, an 11, plus de deux ans après la rétrocession de la Louisiane à la France, et quelques mois avant son acquisition par les Etats Unis, Mr. Livingston, leur ministre plénipotentiaire à Paris, maintenait, dans une note adressée au Premier Consul, cette distinction de la Floride Occidentale et de la Louisiane, et paraissait persuadé que la Louisiane seule avait été cédée à la France. "Si les officiers," disait-il, "chargés de prendre possession n'ont pas des ordres exprès de respecter le droit de navigation et d'entrepôt que réclament les Etats Unis, je dois solliciter avec instance un traité, qui en reconnaissant les droits des Etats Unis, explique les conditions auxquelles l'Espagne a cédé la Louisiane à la France. Si à tout cela, Citoyen Consul, vous ajoutiez volontairement, et comme une marque de votre bienveillance, la clause provisionnelle que dans le cas d'une cession des Florides à la France, les citoyens des Etats Unis jouiront du passage libre par les rivières Mobile et Pensacola, avec le droit d'entrepôt à leurs embouchures, cet acte, utile au commerce de France, serait pour les Américains un sujet de reconnaissance qui resserrerait fortement les nœuds et l'amitié entre les deux nations alliées."

3. Le 30 Floréal, an 11, (19 Mai, 1803,) vingt jours après le traité de translation de la Louisiane aux Etats Unis, Mr. Monroe, l'un des plénipotentiaires du Gouvernement Fédéral, et des signataires du traité, fut si loin de croire que l'ancienne Louisiane, comprenant la Louisiane actuelle et la Floride Occidentale, avait été acquise par les Etats Unis, qu'il demanda l'appui du Gouvernement Français auprès du Gouvernement Espagnol, pour négocier l'acquisition des Florides: "Citizen Minister," écrivait-il au ministre des relations extérieures [de la] France, "as some months will elapse before we can receive the decision and commands of our Government respecting the treaty and conventions which we have had the honor to conclude with Mr.

Marbois, under your ministry, I consider it my duty to pursue, in the interval, the remaining objects of my mission, which are now to be adjusted with his Catholic Majesty, the King of Spain. With that view, I propose to set out, as soon as circumstances will permit, to Madrid, which I flatter myself will be practicable in the course of the next week. In the happy conclusion of our negotiation with your Goverement, a sentiment which I am persuaded will be always cherished by both nations of the result, Mr. Marbois promised, on the part of the First Consul, his friendly intercession and support *of our negotiation with his Catholic Majesty for the Floridas*. Permit me to invite your attention to that subject, and to request that you will be so obliging as to furnish me such aid, either by instructions to your ambassador at the court of Madrid, or in such other mode as may be deemed most suitable to the character of the powers interested, be best calculated to promote success in the object desired, and to manifest the very friendly disposition of the First Consul, to the U. States, of which I entertain the most perfect confidence. I beg you, citizen minister, to accept the assurance of my high consideration and esteem.

(Signed) JAS. MONROE."

4. Enfin, le 22 Février, 1819, le Gouvernement Fédéral reconnut les droits de l'Espagne sur la Floride Occidentale, en acceptant les deux Florides du Gouvernement Espagnol, par l'art. 2 du traité signé à Washington, entre le Roi d'Espagne et les Etats Unis : "His Catholic Majesty," dit cet article, "cedes to the United States, in full property and sovereignty, all the territories which belong to him, situate to the eastward of the Mississippi, known by the name of East and West Florida." * * *

Il est vrai que dans l'intervalle qui s'écoula entre les deux traités de 1803 et de 1819, les Etats Unis élévèrent des prétentions sur la Floride Occidentale, en vertu du traité de 1803. Mais la France, souvent consultée par le Gouvernement Fédéral et le Gouvernement Espagnol sur cette question, reconnut constamment les droits de l'Espagne, et repoussa les prétentions des Etats Unis. Voici comment s'exprimait au nom du Gouvernement Impérial, sur l'interprétation du *du* traité de 1803, le ministre des affaires étrangères, dans les instructions données le 11 Germinal, an 13, (1er Avril, 1805,) à Mr. Desforges, commissaire des relations commerciales à la Nouvelle Orleans : "La Louisiane a été cédée aux Américains, telle que la France l'avait reçue de l'Espagne. Les droits du nouveau possesseur sont les mêmes que ceux que nous avions acquis; et S. M. I., en déclarant, conformément au traité, qu' elles étaient l'étendue et les bornes de ses prétentions, énonce en même tems celles que doivent avoir les prétentions des Américains. Les Etats Unis prétendent avoir acquis avec la Louisiane une partie des Florides. Mais cette prétention n'est exprimée dans aucun traité; elle est contraire à tous ceux qui ont été conclus. La France, qui n'avait cédé à l'Espagne, en 1763, que le territoire situé à l'occident du Mississipi et de la rivière d'Iberville, n'a obtenu de l'Espagne, en Vendémiaire, an 9, qu'une rétrocession dont l'étendue se mesure nécessaire-

ment sur la cession qu'elle avait faite. Elle n'a cédé en l'an 11 aucun autre territoire aux Etats Unis. Elle n'a reconnu aucune des prétentions qu'ils élevaient à la possession d'une partie des Florides en vertu du même traité. S. M. Impériale m'ayant autorisé à en faire la déclaration formelle aux ministres plénipotentiaires du Gouv't Fédéral, c'est dans ce sens que je me suis constamment expliqué avec eux, soit verbalement, soit dans mes notes officielles. La cour de Madrid a reçu, de la part de S. M. I., les mêmes déclarations. Vous pourrez donc, monsieur, vous exprimér d'après le même principe dans les occasions où vous seriez consulté sur les discussions des Etats Unis et de l'Espagne, relatives aux limites orientales de la Louisiane."

Le Gouvernement Français émit constamment la même opinion, tant que durèrent les differends des Etats Unis et de l'Espagne, au sujet de la possession de la Floride.

Il résulte des pièces ci-dessus mentionnées:

Qu'en 1762, la Louisiane fut divisée en deux parties; dont l'une, placée à l'est du Mississipi, fut cédée à l'Angleterre, et devint la Floride Occidentale; dont l'autre, placée à l'ouest du Mississipi, fut cédée à l'Espagne, et conserva seule le nom de Louisiane:

Qu'en 1800, l'Espagne, en rétrocédant la Louisiane à la France, ne lui abandonna que la nouvelle Louisiane, limitée par la rive gauche du Mississipi, et non l'ancienne Louisiane, s'étendant jusqu'au rio Perdido; puisqu'elle ne voulut pas lui aliéner la Floride Occidentale qui comprenait cette partie de l'ancienne Louisiane:

Qu'en 1802, la France, après avoir échangé avec l'Espagne le royaume d'Etrurie pour la Louisiane, lui proposa d'échanger le duché de Parme pour les Florides Occidentale et Orientale, sans que cette proposition eut de suite:

Qu'en 1803, la France transféra aux Etats Unis ce qu'elle avait reçu de l'Espagne; c'est à dire, la Louisiane seule:

Qu'en 1803, le Gouvernement des Etas Unis ne crut pas avoir acquis la Floride Occidentale en acquerrant la Louisiane; puisqu'immédiatement après le traité du 10 Floréal, an 11, il désira entre en négociation avec l'Espagne touchant les Florides:

Qu'en 1819, il reconnut les droits du Gouvernement Espagnol sur la Floride Occidentale, en la recevant de lui par un traité:

Que dès-lors, soit d'après les textes des traités, soit d'après l'uniforme interprétation qui leur a été donnée, les limites de la Louisiane, qui s'étendaient avant 1762 jusqu'au rio Perdido, n'ont plus dépassé, depuis cette époque, la rive gauche du Mississipi, et ont été constamment formées par la ligne de ce fleuve, de la rivière d'Iberville, des lacs Maurepas et Pontchartrain du côté des Florides.

Fait à Paris, le 20 Avril, 1833, d'après les documens originaux, conservés aux archives des affaires étrangères de France, dont les extraits ci-dessus sont certifiés conformer.

Pour le ministre et par autorisation.

Le conseiller d'état, directeur des archives et chancelleries,

[SEAL.] MIGNET.

Le soussigné, envoyé extraordinaire et ministre plénipotentaire de France près les Etats Unis d'Amérique, certifie, que la signature ci-dessus est celle de M. Mignet, conseiller d'état, directeur des archives et chancelleries au departement des affaires étrangères.

WASHINGTON, 11 *Janvier*, 1834.

SERURIER.

B No. 14.

LAND CLAIMS DERIVED FROM SPAIN.

*Letter from the Secretary of State, in reply to a resolution of the House of Representatives of 7th February last, on the expediency of providing by law for the final adjustment of all the claims to land derived from the former Government of Spain, &c., &c.*

DEPARTMENT OF STATE,

*Washington, June* 12, 1832.

The Secretary of State, to whom, on the 22d instant, was referred the resolution of the House of Representatives of the 7th February, 1832, on the expediency of providing by law for the final adjustment of all the claims to land derived from the former Government of Spain, and its local authorities, in that part of West Florida between the Mississippi and Perdido rivers, from the date of the Louisiana treaty, of 1803, to the proclamation of President Madison, in 1810, either by a confirmation of the titles, or a reference of them to the judiciary, with directions to report to the House of Representatives the recent correspondence between the Spanish Minister and the Secretary of State, with the opinion of the latter upon the justice and validity of these claims, has the honor to report:

That the Government of the United States having, by several acts, asserted their right to all the territory between the Mississippi and the Perdido, under the treaty of 1803, it would be improper to contradict that asserted right, and unnecessary to support it. Assuming, therefore, as the ground-work of this report, that the construction which the United States have put on the treaty of cession is, in this respect, the true construction, and that, by it, they acquired a right to all the land referred to in the resolution of the House; it is equally true that the Spanish Government, from the time the transfer of Louisiana took place, put a different construction upon it, maintained that it did not include any part of the Floridas, refused to deliver the possession of this territory when the rest of the ceded country was transferred to the French, held it when we received the country from France, and kept the whole until the year 1810, when a part of it was wrested from them by an insurrection; and the residue until 1813, when it was forcibly taken by the troops of the United States; and that, during all this period, they exercised an undisturbed jurisdiction over this territory, and disposed by sale of sundry tracts of the land, as well to citizens of the United States as to Spanish subjects. For these sales, the proper officer of the crown received a consideration

in money, caused the lands to be surveyed, and gave to the purchasers titles in form.

After West Florida became incorporated into the Union, either as part of the State of Louisiana or of the then Territory of Mississippi, a board of commissioners was constituted to receive the evidence o. title from the claimants to the lands between the Mississippi and the Perdido, and to report the same to the General Land Office, declaring that those who neglected to record their titles should never after receive a confirmation thereof, and that no title, not recorded, should be received in evidence.

But by the act of Congress entitled "An act for erecting Louisiana into two territories, and providing for the temporary government thereof," it was enacted that all grants for lands ceded by the French Republic to the United States, by the treaty of the 30th April, 1803, the title to which was in the Government of Spain at the date of the treaty of St. Ildefonso, and every proceeding towards obtaining any claim to such lands, made subsequent thereto, should be null and void, with an exception in favor of actual settlers prior to 20th December, 1803, who had obtained a right, under the laws and usages of Spain; but these were to be entitled to not more than 640 acres of land.

This law precluded the commissioners from allowing any claim under the Spanish grants made in virture of the sales above mentioned, as they were all of them after the date of the treaty of St. Ildefonso, which was made in the year 1801.

Many of the purchasers under the Spanish Government filed their claims; others, deterred by the provisions of the law of 1804, made after most of the purchases had been completed, neglected to do so, knowing that their claims would be rejected, and evinced a disposition to demand from the Spanish Government the reimbursement of the purchase money they had paid.

Things remained in this situation until negotiations were opened, in the year 1818, for the cession of the Floridas to the United States. The first formal and written proposition came from Spain, through their minister, in a note enclosed in his letter of the 14th October of that year, preceded, no doubt, by verbal communications. The part of the note immediately bearing on this subject is in the following words; "His Catholic Majesty, to give an eminent proof of his generosity and of the desire which animates him to strengthen the ties of frendship and good understanding with the United States, and to put an end to the differences which now exist between the two Governments, cedes to them, in full property and sovereignty, the provinces of East and West Florida, with all their towns and forts, such as they were ceded by Britain in 1783, and with the limits which designated them in the treaty of limits and of navigation concluded between Spain and the United States on the 27th of October, 1795. *The donations or sales of land made by the Government of his Majesty, or by legal authority, until this time, are, nevertheless, to be recognized as valid.*"

To this part of the proposition, Mr. Adams answers, in his letter

of 31st October, 1818: "Neither can the United States recognize as valid ALL the grants of land UNTIL THIS TIME, and at the same time renounce all their claims and those of their citizens, &c., * *. It is well known to you, sir, that notice has been given by our minister in Spain to your Government, that all the grants of land LATELY alleged to have been made [alleged to have been lately made] by your Government, *within those territories*, must be cancelled, unless your Government should provide some other adequate fund from which the claims above referred to may be satisfied. From the answers of Don J. Pizarro to this notice, we have reason to expect that you will be sensible of this necessity, and that *some time must be agreed upon, subsequent to which no grant of land*, WITHIN THE TERRITORIES in question, shall be considered as valid."

In the reply of the Spanish minister, he adverts to the sale of the lands, "*in the two Floridas, ceded by his Catholic Majesty*," as the means by which the United States would be enabled to pay the sums due to their citizens.

When the treaty was nearly concluded, the Chevalier de Onis was prevented by indisposition from meeting Mr. Adams; and Mr. Hyde de Neuville, the minister of France, seems to have been admitted, informally, as a mediator between the negotiators. In one of his notes on the subject of the conformation, he uses the following observation, which seems to be addressed to the Chevalier de Onis, in order to explain to him the views of Mr. Adams: "The Secretary of State observed to me, that certainly it could never be the intent of the Federal Government to disturb the individuals in the enjoyment of property acquired legally, or *bona fide;* but that a treaty ought not to be made to cover frauds, and that nothing more could be demanded of the United States than the King could offer; that they put themselves precisely in his place, and that they would fulfil all his engagements, but most certainly it could never be understood that they should do more. The Secretary of State proposes even, if Mr. de Onis desires it, that the article shall be inserted in the treaty such as Mr. Onis has proposed, on condition that the explanation above stated," [that all grants not annulled by this convention are valid, to the extent that they are binding on his Catholic Majesty,] "shall be given in a note." The article, as proposed by Mr. Onis, to which Mr. Adams is said by Mr. Neuville to have consented with the above modification, is in these terms: "All the grants of land made by his Catholic Majesty, or by his authorities, in the *aforesaid territories of the two Floridas*, and others, which his Majesty cedes to the United States, shall be confirmed and acknowledged as valid, excepting these grants which may have been made after the 24th day of January last year, the date of the first proposals which were made for the cession of those provinces, which shall be held null, in consideration of the grantees not having complied with the conditions of the cession."

In all this negotiation, not an objection seems to have been raised to the confirmation of all the Spanish *bona fide* grants, excepting only certain extravagant concessions, covering nearly the whole of the ceded

country, made subsequent to the first offer of the cession of the country. The idea of disturbing any such titles is expressly disavowed by Mr. Adams; and the treaty was finally concluded on the 22d February, 1819, in the same spirit that prevailed during the negotiation, the 8th article stipulating in these terms:

"All the grants of land made before the 24th of January, 1818, by his Catholic Majesty, or by his lawful authorities, in the said territories ceded by his Majesty to the United States, shall be ratified and confirmed to the persons in possession of the lands, to the same extent that the same grants would be valid if the territories had remained under the dominion of his Catholic Majesty. But the owners in possession of such lands, who, by reason of the recent circumstances of the Spanish nation and the revolutions in Europe, have been prevented from fulfilling all the conditions of their grants, shall complete them within the terms limited in the same, respectively, from the date of this treaty; in default of which, the said grants shall be null and void. All grants made since the said 24th of January, 1818, when the first proposal, on the part of his Catholic Majesty, for the cession of the Floridas was made, are hereby declared, and agreed to be null and void."

Subsequent, however, to the signature of the treaty, doubts rose whether the large grants, intended to be cancelled, had really been executed before or after the date fixed by the treaty, (the 24th January, 1818.) This led to a warm correspondence between the agents of the two Governments, during the whole of which not a doubt respecting the operation of the treaty, as confirming all the grants prior to 1818, is raised. And, finally, the treaty is ratified with an explanatory article, by which the date in the 8th article is stated to be one fixed "for the *confirmation of the grants of lands* made by the King in the Floridas," excepting specially the large grants.

From these statements, the House of Representatives will be the better able to decide on the true intent of the 8th article, so far as it relates to the concessions or grants of land mentioned and described in their resolution. These were all long anterior to the date fixed by the article, (the 24th January, 1818;) they were completed in their form, made by the proper officer, and for a valuable consideration. The lands lie in that territory which, when in the possession of Spain, was by them called West Florida, and are situated to the east of the river Mississippi. They came, therefore, in every point, within the stipulations of the 8th article, that they "shall be ratified and confirmed to the same extent that the said grants would be valid, if the territories had remained under the dominion of his Catholic Majesty."

Two objections seem to have been raised against this construction by the Supreme Court, in a cause in which the validity of one of these concessions was brought in question. In that case, the principal ground of decision against the confirmation was drawn from the language of the article, which declares that the concessions *shall be* ratified and confirmed; which the court say is an act not done by the treaty itself, but made obligatory upon another branch of the Government to do, which branch is the legislature, not the judiciary: that

the legislature had not yet performed this obligation, created by the treaty; and that, until it should be done, the court could not declare the treaty to be valid, inasmuch as the sales were made subsequent to the date of the treaty of St Ildefonso, and therefore void, unless they were confirmed by the treaty of 1819. But they add, if the language of the article had been different, if the treaty had declared by words, *in presente*, that the grants *are* confirmed, then the treaty would have been a law obligatory on the court, and, by its paramount force, would have operated a repeal of the 14th section of the act of 1804, above quoted and referred to, and have induced a different decision.

If this part of the decision shall be found to be based on just principles, then there is a clear obligation upon the legislature to pass a law confirming those grants, and repeal the law of 1804, which prevented their confirmation by the commissioners before the treaty.

In a late case decided in the Supreme Court, reference is made to the language used in the Spanish version of the 8th article, to which their attention was not drawn in the case of Foster and Elam *vs.* Nelson. They there, with great strength of reasoning, demonstrate that the language of the 8th article in the Spanish original, is that which is used by the party who grants, and contains, in his own words, the condition on which he cedes—that therefore this language must govern; and, as words expressing a present confirmation of the grants are used, not a future obligation on the other party to confirm them, that the concessions made before the 24th January, 1818, in the language of the article, "quedan" *remained confirmed and ratified*, and that therefore no act of legislation was necessary, but that the prior concessions were, *ipso facto*, confirmed. This part of the decision is important, and it is therefore given in the words of the court:

"It became, then, all important to ascertain what was granted by what was excepted. The King of Spain was the grantor, the treaty was his deed, the exception was made by him, and its nature and effect depended on his intention, expressed by his words in reference to the thing granted, and the thing refused, and excepted in and by the grant. The Spanish version was in his words, and expressed his intention, and though the American version showed the intention of this Government to be different, we cannot adopt it as the rule by which to decide what was granted, what excepted, and what reserved: the rules of law are too clear to be mistaken, and too imperative to be disregarded by this court. We must be governed by the clearly expressed and manifest intention of the *grantor*, and not the *grantee in private, a fortiori* in *public grants*. That we might not be mistaken in the intention or in the true meaning of Spanish words, two dictionaries were consulted, one of them printed in Madrid; and two translations were made of the 8th article, each by competent judges of Spanish, and both agreeing with each other, and the translation of each agreeing with the definition of the dictionaries. 'Quedaran,' in Spanish, correctly translated, means 'shall remain:' the verb '*quedar*,' in French, '*rester*;' Latin, '*manere*,' '*remanere*;' and English, '*remain*,' in the present tense. In the English original the words are 'shall be,' words in the future. The difference is all important as to all Spanish grants. If the words

of the treaty were, that all the grants of land 'shall remain confirmed,' then the United States, by accepting the cession, could assert no claim to these lands thus expressly excepted. The proprietors could bring suits to recover them without any action of Congress, and any question arising would be purely a judicial one. 'Shall be ratified,' makes it necessary that it should be a law ratifying them, or authorizing a suit to be brought, otherwise the question would be a political one, not cognizable by this court, as was decided in Foster and Elam *vs.* Nelson.

"But, aside from this consideration, we find the words used in the Spanish sense as to the grants made after the 24th January, 1818, which are, by the same article, in English, '*hereby declared and agreed to be null and void.*' The ratification is in Spanish and English. The Spanish words in the Spanish version are, '*quedado*' and '*quedan*' in reference to the annulled grants; the English are, '*have remained,*' '*do remain.*' The principles of justice, and the rules of both law and equity, are too obvious not to require that, in deciding on the effect and legal operation of this article of the treaty by the declared and manifest intention of the King, the meaning of Spanish words should be the same in confirming as in annulling grants. A regard to the honor and justice of a great republic alike forbid the imputation of a desire that its legislation should be so construed, and its law so administered, that the same word should refer to the future as to confirming, and to the present in annulling grants, in the same article of the same treaty.

"For these reasons, and in this connection, we consider that the grants were confirmed and annulled, respectively, simultaneously with the ratification and confirmation of the treaty; and that, when the territory was ceded, the United States had no right in any of the lands embraced in the confirmed grants."

Had the decision stopped here, the undersigned would have been of opinion that the case was open for relief to the persons claiming under the grants described in the resolution which has been referred to him. But after this explicit declaration that the Spanish version is to govern; that, under it, the early grants are, *ipso facto*, by the treaty confirmed, and that no further legislation is required; the court, "to avoid (as it says) all possible misapprehension, declare that they give validity to the grant which they were then considering by virtue of laws which empowered them "*to decide according to the stipulation of any treaty;*" but that, should they be called on to decide on the validity of a title acquired by any Spanish grant not embraced by these laws, they would feel bound to follow the course pursued in Foster and Elam *vs.* Nelson, in relation to the stipulation in the 8th article of the Florida treaty—"*that the legislature must execute the contract before it can become a rule for this court.*"

This conclusion, so contrary to that which the undersigned would have drawn from the premises, has continued the difficulty, which he had hitherto found, to answer what he considers the just complaint of the Spanish Government in the letters which, by the resolution of the House, he has been directed to report. Convinced in his own mind

that the claims which were urged by the minister of Spain were well founded, he was in hopes, first, that the legislature, by passing a law to do that which the court had declared, in the case of Foster and Elam *vs.* Nelson, to be an obligation created by the treaty upon the legislative, not the judicary, branch of the Government, would have enabled him to answer the Spanish minister that justice had been done to the claimants; and when, by the failure of their petition, presented to Congress for that purpose, he lost that hope, he encouraged the one that has now equally proved vain, that the discovery which he made and pointed out, of a difference between the Spanish and English version of the treaty, would have induced the court to decide that their opinion in the case of Foster and Elam *vs.* Nelson was erroneous, as being based only on the English version. They did, as has been shown, most explicitly decide that that version should govern; that it imports a present confirmation, not a promise to confirm in future. But yet, as they give formal notice that they will persevere in a decision given expressly on the assumption that the English version is to govern, the undersigned is bound to believe that they have been governed by some good reasons which have not occurred to him, from the view, probably an erroneous one, he has taken of the case. However this may be, the declaration is explicit, and imposes on the undersigned the necessity of a strong appeal to the legislature to relieve him, should they deem his reasoning correct, from the embarrassment he is under in making a proper reply to the claim of the minister of Spain in behalf of his Government. While the suits of the grantees were pending, his answer was easy: "The judiciary will decide, and their decision will be satisfactory, because it will be just. If they decide against the claim, you must submit, because they are the proper judges of the legal right. If they allow the claim, it is all you ask." But they have decided, not against the claim, nor yet have they allowed it; but while they acknowledge that the treaty intended to protect the right of the claimants, they say it created an obligation on the legislature to do a preliminary act, which act they have not done. Following this out, it will at once be seen that the hard task would be imposed on the Secretary of State of saying to a foreign minister, my Government has, by treaty, engaged to do an act of justice to the grantees of your sovereign, which they have hitherto refused to perform, although a co-ordinate branch has acknowledged the obligation by a solemn decision. It can scarcely be alleged, as a sufficient answer to this, that the legislature substantially fulfilled this obligation by the appointment of a board of commissioners to decide on the validity of the Spanish grants, and to report for confirmation such as they deemed valid; first, because the commissioners could confirm no grant exceeding 640 acres; but, conclusively, because they were expressly bound by law not to confirm any of them, the law of 1804 expressly inhibiting the confirmation of any grant made subsequent to the treaty of St. Ildefonso. But these grants were all made two and three years subsequent to that treaty, and were rejected on that ground, as appears by the certificates of the commissioners of the land offices, hereunto annexed.

It has also, sometimes, and by some of the judges, in their opinions, been argued that the lands west of the Perdido, having been decided by the Government of the United States to be included in the purchase of Louisiana, the stipulations of the treaty of 1819 could not apply to them, and that the grants agreed to be confirmed by the 8th article of that treaty were such only as were made in East Florida, and that part of West Florida which lies east of the Perdido; and they reason thus: "The 8th article confirms the grants of land in 'the territories ceded by his Majesty to the United States.' What lands were ceded? For this we must look to the 2d article, where we find that *his Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida.* Now, the territories to the west of the Perdido did not belong to him: they, had before that, been incorporated into the Union under the Louisiana treaty; therefore, the grants made in that region cannot come within the purview of the 8th article, which contemplates only the territories belonging to the King of Spain."

The error of this reasoning consists in discarding that rule of construing an agreement, which directs that the intent of the parties is to govern, and that this intent is to be sought as well in the avowed object of the agreement as in the language used to carry it into effect; and that, for this purpose, such construction of doubtful words should be adopted as will reconcile them where they apparently differ from each other.

The object of this treaty was, as is expressed in the preamble, "to consolidate, on a permanent basis, the friendship and good correspondence which happily prevail between the two parties, and to settle and terminate all their differences and pretensions by a treaty," &c.

Now, what were those differences? Spain, when she executed the treaty for ceding Louisiana, insisted that, except the island of New Orleans, no part of it lay to the east of the Mississippi; that all the rest of her dominions in that quarter were included in the provinces of East and West Florida. She kept possession of them for some years after the country was ceded to the United States, when they were wrested from her by force. During the early part of that period, she made the sales and concessions now in question, and ever since protested against the occupation by the United States. One of the differences to be settled was, then, this very one of the right to that part of West Florida which lies west of the Perdido. How was this to be effected? Precisely in the way that was devised by our able negotiator, Mr. Adams, by using such language as would end the dispute, without the mortifying acknowledgment, by either party, that it had been wrong. We claimed that Louisiana extended eastward to the Perdido; the Spaniards that, with the exception of New Orleans, it was bounded by the Mississippi. To the country east of the Perdido we had no claim; but Spain, for a proper consideration, agrees to cede it to us. Now, if the 2d and 8th articles relate solely to the territories purchased by that treaty, what would have been the description? Certainly, different from that actually used. The Perdido, and not the

Mississippi, would have been assumed as the western boundary. But, although this would have designated the territory which, according to the argument was all that is intended by the two articles, it would have left undetermined one of the principal causes of dispute. How was this to be avoided? By taking the Mississippi as the western boundary, and thus including, in the cession, all the disputed territory. It cannot be doubted that this was one of the great objects of the treaty; but, whatever may be our opinions on this point, it will be conceded that, to give effect to this intent, the written language of the treaty must be such as will justify it.

Let us examine it with that view:

"His Catholic Majesty cedes to the United States all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida." Here are two designations of the territory ceded: *all the territories east of the Mississippi which belong to him;* and those territories are further described, as those *known by the name of East and West Florida.* Now, it never was doubted that the designation of West Florida, while that country was possessed by Great Britain, and after it was ceded to Spain, was applied to the territory bounded by the Mississippi. The whole of the description, then, will apply to the lands in question, as it was understood by one of the parties; and as this description was given in the very act by which the whole of the Spanish claim was relinquished to the United States, it was a matter of little moment to this latter power, what words were used by Spain to avoid a confession, which, in a compromise they could never be called on to make, that their previous pretensions were unjust, provided the same precautionary language were observed with respect to the United States. The treaty was a compromise. Spain undoubtedly had a claim, founded on at least a color of right, to the territory between the Perdido and the Mississippi—a claim they had always asserted. In delivering possession of Louisiana, to which we contended this was an appendage, they refused to deliver this territory. Our commissioners did not demand it; nor did those of France when the province was transferred. The crown of Spain remained in peaceable possession until an insurrection deprived them of the possession of a part, and an invasion by our troops some time after, of the rest. Spain had made these sales and grants to *bona fide* purchasers for a valuable consideration, while they were in this peaceable possession. How, therefore, could Spain be supposed to consent to any arrangement that should formally acknowledge that she had unjustly refused to deliver possession of what she had ceded, and had sold lands to which she had no title; nor could the United States, with propriety, acknowledge that they had unjustly taken, and retained the possession. The cession of the territories east of the Perdido afforded an opportunity of using language that would effect the purpose of both powers, without committing the dignity of either. By describing the country ceded, as lying to the east of the Mississippi, and known by the name of East and West Florida, it included as well that part of West Florida formerly in dispute, as the territory then first ceded by that treaty; and by agreeing

that the *bona fide* concessions in the territory ceded should be confirmed to the possessors, the United States did an act of justice which equity would seem to have demanded, even had there been no stipulation. For let it always be remembered that Spain was the sovereign *de facto* of the disputed territory at the time the grants in question were made, and continued in the undisturbed possession of it for many years after.

It seems also worthy of remark, that these grants having been made for a pecuniary consideration paid into the treasury of Spain, not only justice to her grantees, but a strong actual interest, must have induced her, in any treaty, to have stipulated for a confirmation of these grants, the annulling of which would have created a just claim for a large amount upon the treasury of that country.

It must be clear, therefore, from the language of the negotiators, both before and after the signature of the treaty, which has been quoted in the beginning of this report, corroborated by what was called for, both by the interest and the honor of Spain, that the confirmation of these grants was an object of high importance to that power, and that she thought this object was attained by the treaty. If, therefore, the language is at all doubtful, according to the just reasoning of the Supreme Court herein before quoted, the words of the condition on which the cession was made must be construed in the sense in which it was understood by Spain; and honor and justi require that the condition should be fulfilled.

If the opinion of the undersigned had been called for before the decision of the Supreme Court in the case of Foster and Elam *vs.* Nelson, he would have said that the words, "shall be ratified and confirmed," even taking the English version for the text, as used in the treaty, import an actual, not a future confirmation; because, when such words are used by the body having the power to do the act, and the words are not coupled with any condition or limitation as to time, they then operate *in presenti*, and take effect at once. Here, there is no doubt that the President and Senate had a right by treaty to confirm the grants; the Supreme Court have said so, when they declare that, if the words had been *are confirmed*, they would have repealed the law of 1804, which annulled those grants. But since that decision, and the other, in the case of Arredondo, the undersigned is bound to consider the eighth article in the treaty as an obligation upon the faith of the country, which can only be fulfilled by an act confirming the bona fide grants in question.

It may not be improper to add, as coming within the spirit of the resolution, that, on many of the tracts in question, settlements were made subsequent to the dates of the grants, and that the settlers have received donations of their lands from the United States. The confirmation of the grants, therefore, to the original grantees, would create great distress and confusion, by disturbing the possessions of the settlers; to avoid which, the grantees, it is understood, would willingly agree to relinquish their claim to all such settlements as may have been made on their tracts, respectively, on receiving a confirmation of their title to the residue, and an equivalent in lands of

the United States, in the State of Louisiana, for the lands of which they may have been deprived by the confirmation of settlement rights.

The letter of Mr. Tacon, the minister of Spain, dated the 24th of October, 1829, annexed to this report, will show to the House of Representatives the light in which the question of these grants is viewed by the Spanish Government. The list to which that letter refers, was, before the undersigned came into the department, transmitted to an agent, who was then despatched to Cuba to obtain the originals, and cannot now be furnished; but the annexed list of the claims filed before the commissioners for the land office west of Pearl river, it is supposed, will give an idea of the quantity of land that may be claimed under these grants. There were also several Spanish grants and confirmations made after 1803, east of Pearl river and west of the Perdido, the number of which cannot be ascertained, but they are not supposed to be considerable. No formal answer having been given by the late Secretary of State to this letter of the Spanish minister, application has frequently been renewed to the undersigned, who, in an informal manner, has urged the necessity of delay until the legislature should definitively have acted on the case. For this delay, the pendency of the suits above mentioned, and of the application of the claimants to Congress, afforded a motive that seems to have been deemed satisfactory; but now the undersigned cannot much longer avoid giving an official answer, the character whereof must depend on the proceedings of Congress, which he has no doubt will be consistent with justice and a faithful regard to national engagements.

The undersigned, Secretary of State, most respectfully offers to the consideration of the House the draft of a bill, which would effect the purpose of satisfying the claimants under the Spanish grants, and quieting the possessions of those who may hold under donations, confirmations, or sales, made by the United States, of lands comprehended in the said Spanish grants.

All which is respectfully submitted, with the expression of a decided opinion, that the 8th article of the treaty between the United States and Spain, if it did not confirm the grants and sales in question, at least created an express obligation upon the former power to confirm them; that this obligation has not been fulfilled; and that its performance ought no longer to be delayed. The scrupulous regard we have hitherto paid to our engagements with foreign powers has not only established our character for fidelity and honor, but is indispensable when we wish to enforce our claims upon other nations. To suffer it to be sullied by a reasonable doubt, would be a serious injury at all times, and, in the present instance, would operate injuriously on the negotiations in which the Executive is now engaged to procure indemnity for injuries that have been inflicted on our commerce.

EDWARD LIVINGSTON.

LIST OF ACCOMPANYING PAPERS.

A. B. C. Certificates of the commissioners of the land offices for the Pearl river districts.

D. Letter Mr. Tacon to Mr. Van Buren, (with enclosure,) dated 24th October, 1829. Translation.

E. Draft of bill.

A.

*EXTRACTS from report No. 5, or "Register of claims to land in the district east of Pearl river, in Louisiana, founded on grants said to be derived from either the French, British, or Spanish Government, which, in the opinion of the undersigned commissioner, are not valid agreeably to the laws, usages, or customs of such Government."*

| | Present claimant. | Original claimant. | Nature of claim, and from what authority derived. | Date of claim. | Quantity claimed. |
|---|---|---|---|---|---|
| | | | | | *arpens.* |
| 1 | Harry Toulmin and Edmund P. Gaines | John Trouillet. | Spanish Gov'mt | 14 Aug. 1807 | 800 |
| 2 | John Forbes & Co. | John Forbes & Co. | do | 7 Mar. 1807 | 5,040 *acres.* |
| 3 | Claire R. Carman. | Margaret Collon. | do | 18 June, 1805 | 1,600 |

"All these grants have been made by the Spanish Government since the right of Spain to Louisiana has ceased to exist, and are therefore void. Nor are they entitled to the benefit of the proviso contained in the 14th section of the act of Congress, passed on the 26th March, 1804, in favor of settlers, because the grantee was not a settler at the date of the grant, nor has been since, except in No. 2, which cannot be confirmed, because the quantity exceeds that allowed by law, and the claimant has other claims coming within the proviso of the law. Some of these grants refer to ancient grants or concessions, and purport to be made in consideration thereof. No. 1 refers to a grant said to have been made by the French Government, and destroyed at the time of the conquest of the Floridas by the Spaniards. These claims cannot derive any validity from the grants or concessions said to have been anciently made, because they do not appear; nor from the subsequent confirmation, because, at the time of confirmation, Spain had no right to Louisiana; nor can the subsequent grant be any evidence of a former grant or concession, because the evidence adduced, if any, to prove that there was a former grant, was before a tribunal which had no cognizance of the case.

"It is certainly remarkable that Spain should not have confirmed, until the year 1807, a grant said to have been destroyed at the con-

quest of the Floridas, after a rightful possession of the country for twenty years. If any reference in a grant, void in itself, were sufficient to render it valid, the whole of Louisiana might have been granted by Spain after she had transferred her right, even without the control of the true proprietor.

"WILLIAM CRAWFORD,
*Comm'r.*"

B.

*EXTRACT from the report No. 8, of the register and receiver at Jackson court-house, being a "register of claims to land in the district east of Pearl river, in Louisiana, founded on complete grants and orders of survey, which, from their nature, require a special report."*

| | Present claimant. | Original claimant. | Nature of claim. | Date of claim. | Quantity *arpens.* |
|---|---|---|---|---|---|
| 1 | Representatives of Wm. Donaldson. | Wm. Donaldson. | Spanish grant. | 20 June, 1804. | 20,000 |

"No. 1. A grant from the Spanish Government, issued the 20th June, 1804, by John V. Morales. This grant is void under the 14th section of the act of 26th March, 1804, which enacts that all grants for lands, within the territories ceded by the French Republic to the United States by the treaty of the 30th April, 1803, the title whereof was, at the date of the treaty of St. Ildefonso, in the crown, government, or nation of Spain, and every act and proceeding subsequent thereto, of whatsoever nature, towards the obtaining any grant, title, or claim to such lands, and under whatsoever authority transacted or pretended, "should be, and the same were, thereby, declared to be, and to have been from the beginning, null, void, and of no effect in law or equity." Nor can it derive any relief from the equity of the provisors contained in the said section, which require, 1st, that the *grantee* should be an actual settler upon the lands so granted; 2d, that such grant should not secure to the grantee *more than one mile square* of land, together with such other and further quantity as heretofore had been allowed for the wife and family of such actual settler, agreeably to the laws, usages, and customs of the Spanish Government. It is further to be remarked, in relation to the merits of this claim, 1st, that from the date of the application for the purchase, the Spanish authorities in Louisiana must have been apprised of the cession of the province by France to the United States, and could not, in good faith, make grants of lands, and especially such excessive sales, after such knowledge; 2dly, the title in form was not issued until the 20th June, 1804—more than fourteen months after the cession of the province, and six months after its actual delivery to the United States."

## C.

*EXTRACT from Register C, "of claims to land in the district west of Pearl river, in Louisiana, founded on grants said to be derived from either the French, British, or Spanish Governments, which, in the opinion of the undersigned commissioner, [James O. Cosby,] are not valid, agreeable to the laws, usages, or customs, of such Government."*

| Present claimant. | Original claimant. | Nature of claim. | Date of claim. | Quantity claimed. |
|---|---|---|---|---|
| | | | | *arpens.* |
| William Plunkett, et al. | Margaret Plunkett | Spanish patent. | 5 Dec. 1803 | 550 |
| William Corner | William Corner | do | 12 Dec. 1803 | 400 |
| Thomas Billis | Christopher Miller | do | 17 May, 1804 | 600 |
| Caleb Weeks | Caleb Weeks | do | 24 Dec. 1803 | 313 |
| John P. Sanderson | James McLeroy | do | 25 June, 1804 | 800 |
| Manuel Garcia | Manuel Garcia | do | 1 Sept. 1806 | 15,000 |
| John Rhea | William Gardner | do | 25 June, 1804 | 200 |
| William Vardeman | William Vardeman | do | 22 May, 1810 | 1,200 |
| John Rhea | James Foster | do | 4 July, 1804 | 1,200 |
| David Lejeune | David Lejeune | do | 8 Oct. 1806 | 142 |
| John Rhea | James Brennan | do | 9 July, 1804 | 1,000 |
| Do | Antonio Son | do | 3 July, 1804 | 784½ |
| Do | James Clark | do | 21 July, 1804 | 200 |
| Do | John Higgins | do | 4 June, 1804 | 400 |
| Chew & Relf, ex'rs of D. Clark | Gilbert Audry | do | 29 Feb. 1804 | 30,000 |
| Heirs of Jas. Juranerly | Charles Ramos | do | 5 March, 1804 | 20,000 |
| Thomas Power | Bernard Villars | do | 17 Jan. 1805 | 40,000 |
| Chew & Relf, ex'rs of D. Clark | Thomas Urquhart | do | 29 Nov. 1803 | 10,263 |
| John Lynd | John Lynd | do | 12 July, 1806 | 32,025 |
| A. Va. de la Gord | A. Va de la Gord | do | 17 May, 1804 | 1,000 |
| Francis Herault | Francis Herault | do | 3 Oct. 1806 | 2,000 |
| Chew & Relf, ex'rs of D. Clark | George Pollock | do | 5 Jan. 1805 | 40,000 |
| Same | Philip E. Dagues | do | 17 Jan. 1805 | 40,000 |
| Charles Proffit | Charles Proffit | do | 18 Nov. 1803 | 1,000 |
| Ex'r of Isaac Johnson | Isaac Johnson | do | 10 Dec. 1803 | 143½ |
| Lilly & Co. | Cornelius Seely | do | 23 Nov. 1804 | 155 |
| Do | Thomas Anderson | do | 3 July, 1804 | 400 |
| Robert Young | Pedro Deloquy | do | 17 May, 1804 | 800 |
| John Murdock | Widow Coma | do | 20 July, 1804 | 320 |
| John Murdock | Pedro R. Deloquy | do | 23 May, 1804 | 427 |
| John B. Labetut | John B. Labetut | do | 20 Jan. 1804 | 16,000 |
| A. Duplantier | A. Duplantier | do | 26 April, 1804 | 10,000 |
| Anthony Grass | A. Grass | do | 20 Jan. 1804 | 3,000 |
| Do | Do | do | 20 Oct. 1806 | 80 |
| John Martin | James Jackson | do | 11 June, 1805 | 256 |
| James Martin | John McGowan | do | 15 March, 1805 | 400 |
| V. S. Pintada | V. S. Pintada | do | 23 Feb. 1804 | 1,250 |
| Do | Do | do | 22 May, 1810 | 283 |
| Do | Do | do | 20 May, 1810 | 200 |
| Do | Do | do | 22 May, 1810 | 108 |
| Do | Do | do | 22 May, 1810 | 279 |
| F. Guedray | F. Guedray | do | 14 Aug. 1806 | *4a 6t 5f* |
| C. & M. de Armas | C. & M. de Armas | do | 23 Oct. 1806 | 20,000 |
| Eulogio de Cassas | J. Rufinaca | do | 1 April, 1807 | *14a 18t 5f* |
| Joseph Reynes | Joseph Reynes | do | 2 Jan. 1804 | 40,000 |

C—Continued.

| Present claimant. | Original claimant. | Nature of claim. | Date of claim. | Quantity claimed. |
|---|---|---|---|---|
| | | | | *arpens.* |
| Alexander Bookter | Alexander Bookter | Sp'n pat. | 7 Feb. 1804 | 1,000 |
| Eliza Bookta | David Jones | do | 12 April, 1804 | 400 |
| Catholics of Feliciana | Catholics of Feliciana | do | 1 Sept. 1804 | 62 |
| Brown & McDonough | G. Lachiapella | do | 28 March, 1804 | 120,000 |
| Bernard Marigny | G. Lachiapella | do | 28 June, 1804 | 35,000 |
| Bernard Marigny et al. | James Joida | do | 2 Jan. 1804 | 40,000 |
| William Kirkland | Isabel Waltman | do | 3 July, 1804 | 500 |
| James Johnson et al. | Manuel Langos | do | 2 Jan. 1804 | 35,000 |
| A. Dupuie | A. Dupuie | do | 13 Aug. 1806 | 175 |
| Miss De Grandpree | Miss De Grandpree | do | 5 Oct. 1803 | 1,500 |

"Register C.—The claims embraced in Register C are such as, in the opinion of the commissioner, ought not to be confirmed by the Government of the United States. This opinion is founded upon the following considerations: 1st. The Government of the United States claim an absolute property in all that country comprehended within the boundaries of Louisiana, in virtue of her treaty with France. 2d. It is believed that the Spanish Government herself considered that treaty as divesting her of all right, title, and interest in the soil. That such was the understanding of that Government, is inferred from the following fact: the course which she pursued in the distribution of her unappropriated territory, posterior to her treaty with France, was materially and essentially different from what it had been prior to that time. In all her grants made anterior to that epoch, the number of arpens given was apportioned to the situation and circumstances of the applicant. Patents for large extent of country had been issued, but they were granted for specific purposes, and were defeasable upon a non-compliance with certain prescribed conditions. So far as comes within the knowledge of the commissioner, sales of land were never made in the above mentioned country by that Government until after she had ceased to be the legal owner of the soil. This departure from her known laws, usages, and customs previously adopted and invariably observed, warrants the inference that that Government was sensible of the illegality of her claim, and had a view only to her own emolument. The fact, also, that the King of Spain, by a special royal order, in 1805, ratified and confirmed the sales made by Morales, enjoining him to make that branch of his business as profitable as possible to the coffers of the royal treasury, is an additional evidence in support of this inference. By a reference to the register, it will be discovered that the patents for lands purchased from the royal treasury, at a price of estimation, generally refer to orders of survey given in the latter part of 1803, and specify the valuation per arpent. The payment of the whole amount is uniformly acknowledged in the patents. Admitting the claim of the United States to the country above mentioned to be unquestion-

able, (and I see no reason to doubt it,) the question then arises, how far the possession of that country by the Spanish Government, after the right of the United States accrued, ought to affect those claims which were granted by the former Government during the time which intervened between the purchase and the time when possession was taken by the United States? If the United States had taken possession of West Florida at the same time that they did of Louisiana west of the Mississippi, many serious injuries to individuals might have been prevented. As this was not the case, it becomes an inquiry of interest and importance whether the Government is not morally bound, both by considerations of equity and policy, to make them a compensation commensurate to the injuries they may have sustained. This could be done by making them donations of any quantity of land which the Government may deem just; particularly that class of claimants who have improved and cultivated their lands. They are not numerous, and, with few exceptions, their claims are moderate. It may not be impertinent, also, to remark that, generally speaking, they were such persons as were most liable to be deceived by the Spanish officers.

"In relation to that class of claimants who have not inhabited or cultivated their lands, which is generally the case with those who hold large claims, it appears to the commissioner that the Government of the United States is not legally bound to confirm them. Nevertheless, from a variety of considerations which will doubtless enter into the decision of this question, the Government may deem it politic either to confirm their claims to a certain extent, or in some other way to effect a compromise with them. Their unlimited confirmation would, in the opinion of your commissioner, seriously injure many individuals, some of whom probably resided on the lands before they were surveyed for the patentees."

(D.)

TRANSLATION.

*Mr. Tacon to Mr. Van Buren.*

SIR: The colonel of infantry in the armies of my august sovereign, Don Manuel Garcia Muñiz, now a resident of New Orleans, has informed me, under date of the 14th September last, that, by decrees of the President of this Union, of the 13th June and 16th July, of the present year, orders had been issued to offer for sale, at public vendue, certain lands in Florida, as property of the United States, which comprehend a tract of fifteen thousand acres belonging to the colonel above named, and situated within the jurisdiction of St. Helena, New Feliciana, within the district of Baton Rouge; and that he had been obliged to enter the protest contained in the document hereunto annexed.

This important innovation, which would seem to affect many other individuals in the same situation with the claimant, places me under the necessity of calling the attention of the President to the serious injury which will accrue, from the above mentioned decrees, to the

vassals of the King my master, and other proprietors of land granted by the legitimate authorities of his Majesty, as set forth in detail in the statement which I had the honor of addressing to you on the 11th April of this year, in order that his Excellency may have the goodness to take into his consideration a subject of so much importance, and to take such measures as he may think proper to cause said grants to be respected, according to the stipulations of the 8th article of the treaty of 22d February, 1819.

I avail myself of this opportunity to offer to you the assurance of my distinguished consideration.

God preserve you many years.

FRANCISCO TACON.

PHILADELPHIA, *24th October*, 1829.

Whereas, I have read in one of the public papers in this city a certain advertisement by Andrew Jackson, President of the United States, declaring that a public sale will be held at the land office of St. Helena court-house, in the State of Louisiana, on the second Monday in November next, for the disposal of the unapproved public lands situate in the land district west of Pearl river, and east of the island of New Orleans, embracing nearly all the lands lying on the Amite, Tickfaw, and Tengapahaw rivers.

And whereas, I am the owner of fifteen thousand arpens of land situated in West Florida, by purchase from and paid to the Governor of H. C. M., and have, ever since said purchase, constantly fulfilled the requisites of the law of the United States for the recording of lands, and paid all the taxes or other charges laid by the Government of the United States:

Now, therefore, be it known that, on the 14th day of September, 1829, by an act before Felix de Armas, esq., a notary public in this city, I have at large entered my protest against the sale thus ordered by Andrew Jackson, President as aforesaid, for such land as may belong to me, and for all damages, costs, charges, and interests to be suffered by the said sale, reserving to avail myself of all my rights against whomsoever it may appertain, and wheresoever it may be necessary.

*Oct.* 30, 1829. MANUEL GARCIA.

*Copy of the Protest.*

In the city of New Orleans, State of Louisiana, on the 14th day of September, in the year of our Lord one thousand eight hundred and twenty-nine, and the fifty-fourth of the independence of the United States of America:

Before me, Felix de Armas, notary public, duly commissioned and sworn, in and for the city and parish of New Orleans, residing therein, and in presence of the undersigned witnesses, personally came and appeared Colonel Manuel Garcia Muñiz, at the service of his Catholic Majesty the King of Spain, knight of the royal and military order of St. Hermenijilda, now in this city, for the service of the King.

Which appearer declared that, whereas he has seen in the paper

called the "Louisiana Advertiser," a certain advertisement, in the words and figures following, to wit:

"BY THE PRESIDENT OF THE UNITED STATES.

"In pursuance of law, I, Andrew Jackson, President of the United States of America, do hereby declare and make known that a public sale will be held at the land office at St. Helena court-house, in the State of Louisiana, on the second Monday in November next, for the disposal of the unappropriated public lands within the limits of the under mentioned townships, situate in the land district west of Pearl river, and east of the island of New Orleans, to wit:

"Townships two, of range one.

"Townships one, two, three, five, and six, of range two.

"Townships one, two, three, four, and six, of range three.

"Townships one, two, three, four, five, six, and seven, and fractional townships eight and nine, of range four.

"Townships one, two, three, four, five, six, and seven, and fractional township eight, of range five.

"Townships one, two, three, four, five, six, and seven, and fractional township eight, of range six.

"Townships one, two, three, four, five, six, and seven, and fractional township eight, of range seven.

"Townships one, two, three, four, five, six, and seven, and fractional township eight, of range eight.

"Townships one, two, three, four, five, six, and seven, of range nine.

"The above townships are all situate south of the thirty-first degree of latitude, and east of the meridian, and embrace nearly all the land lying on Amite, Ticksaw, and Tangapaha rivers.

"The townships will be offered in the order above designated, beginning with the lowest number of section in each.

"The lands reserved by law for the use of schools, or for other purposes, will be excluded from the sale.

"Given under my hand at the city of Washington, this thirteenth day of June, A. D. 1829.

"ANDREW JACKSON.

"By the President:

"GEORGE GRAHAM,

"*Commissioner of the General Land Office.*"

"*August* 11."

And whereas, the said appearer of said lands is the owner of fifteen thousand arpens of land situate in West Florida, by him purchased from and paid to the governor of his Catholic Majesty; and has, ever since said purchase, constantly fulfilled the requisites of the laws of the United States for the recording of lands, and paid all the taxes and other charges imposed by the Government of the United States, as will appear by receipts held by him from competent officers: Now, therefore, the said appearer doth, by these presents, solemnly and publicly protest, as well against the sale aforesaid, (as regards

the lands belonging to him,) as against all other persons whom it may or doth concern, for all damages, costs, charges, and interests, to be suffered by the sale aforesaid.

The said appearer reserving to avail himself of his rights in time and place.

Thus done and protested at New Orleans aforesaid, in presence of Messrs. Felix Percy and Jules Mossy, witnesses hereto required, and residing in this city, who signed these presents, together with the said appearer, and me, the notary.

Two words erased, null; two words interlined, approved.*

MAN'L GARCIA,
FELIX PERCY,
J. MOSSY.
FELIX DE ARMAS, *Not. Pub.*

I certify the foregoing to be a true copy of the original. In faith whereof, I grant these presents, under my signature and seal of office, at the city of New Orleans, this 16th day of September, 1829.

FELIX DE ARMAS, *Not. Pub.* [SEAL.]

UNITED STATES OF AMERICA, *State of Louisiana:*

By Peter Derbigny, Governor of the State of Louisiana.

These are to certify that Felix de Armas, whose name is subscribed to the instrument of writing herein annexed, was, at the time of signing the same, and still is, a notary public for the city and parish of New Orleans, duly qualified and commissioned.

Given at New Orleans, under my hand and seal of the State, this seventeenth day of September, one thousand eight hundred and twenty-nine, and of the independence of the United States the fifty-fourth.

P. DERBIGNY, [L. S.]

E.

*An act for giving effect to the 8th article of the Treaty with Spain.*

*Be it enacted, &c.*, That all the sales, grants, and confirmations of land made by the Spanish Government, bona fide, prior to the day of , in the year 1810, for lands lying west of the river Perdido, east of the Mississippi, and south of the 31st degree of latitude, be, and the same are hereby, ratified and confirmed: *Provided*, That such sales, grants, or confirmations would have been valid against the King of Spain, if he had remained sovereign of the said country: *And provided, also*, That if the whole or any part of the lands contained in such sale, grant, or confirmation, shall have been given by the United States as a donation or settlement right, or sold as public land to any other person, the sale, grant, or confirmation by the United States shall be valid, and the claimant under the Spanish sale or concession shall receive as a compensation an equal quantity of land, to be located in any of the tracts of the public land

*These interlineations have not been noticed in making the copy.

surveyed for sale in the State of Louisiana, in the manner herein after provided.

SECTION 2. *And be it further enacted*, That no claimant shall receive the benefit of this act, but those whose title was perfected during the time that Spain was in possession of the territory in which the lands lie, according to the usual forms for making such titles.

SECTION 3. *And be it further enacted*, That if the whole or any part of the lands contained in any Spanish grant herein confirmed, shall have been sold, granted, or in any other manner alienated by the United States before the passage of this act, the claimant under such Spanish grant may apply to the surveyor general of the district in which the lands are situated, and, on obtaining a certificate from him of the quantity of land lying within such claimant's Spanish grant that has been so sold, granted, or alienated by the United States, countersigned by the register and receiver of the land office for such district, he shall be entitled to locate an equal quantity on any of the lands of the United States in the State of Louisiana, which shall then have been surveyed for sale, and shall be entitled to a patent in the usual form for the lands so located.

B No. 15.

*Documents in relation to the bill (S. 34) "giving effect to the 8th article of the treaty of 1819 with Spain."*

IN SENATE OF THE UNITED STATES.

*January* 4, 1837.

Mr. King, of Georgia, submitted the following documents in relation to Senate bill (No. 34) "giving effect to the 8th article of the treaty of 1819 with Spain;" which were ordered to be printed.

*List of papers translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, for the honorable J. M. White, of Florida.*

A letter from Don A. Calderon de la Barca, minister of Spain in the United States, to the honorable J. M. White, dated March 10, 1836.

B. Preliminary convention of November 3, 1762, between France and Spain, for the surrender of Louisiana to the latter.

C. Acceptance of the cession of Louisiana by the King of Spain, November 13, 1762.

D. Definitive act of cession of Louisiana by France to Spain, November 23, 1762.

E. The 6th article of the preliminary convention of Fontainebleau, of November 3, 1762; identical with—

F. The 7th article of the treaty of peace and friendship between Spain and France, signed at Paris, February 10, 1763.

G. Note from the Duke de Choiseul, prime minister of France, to the Spanish ambassador at Paris, accompanying—

H. Order from the King of France to the Governor of Louisiana to deliver that province to Spain, April 21, 1764.

I. The 2d article of the treaty between Spain and the United States, signed at San Lorenzo el Real, October 27, 1795.

K. Preliminary and secret treaty of October 1, 1800, between France and Spain, for the enlargement of the territories of the Duke of Parma and the restoration of Louisiana to France.

L. Treaty of Aranjuez, for the enlargement of the dominions of the Duke of Parma, or rather for his elevation to the throne of Tuscany, and the restoration of Louisiana to France, signed March 21, 1801.

M. Letter from the Secretary of State of Spain to Mr. C. Pinckney, minister of the United States at Madrid, refusing to sell Florida or to admit an American commercial agent at New Orleans, April 7, 1802.

N. Letter from Charles Pinckney, minister of the United States in Spain, to the Secretary of State of Spain, respecting the conduct of the intendant of New Orleans, and proposing, in the name of the United States, to purchase the Floridas, February 17, 1803.

O. Propositions accompanying the above letter N.

P. Letter from the Secretary of State of Spain to Mr. C. Pinckney, complaining of the sale of Louisiana by France to the United States, and declaring the Floridas not to be the property of France, July 19, 1803.

Q. Protest of the Spanish commissioner at New Orleans against the pretensions of the United States as to limits, March 31, 1804.

R. Reply of the French colonial prefect, April 2, 1804.

A.

*From Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States of America.*

WASHINGTON, *March* 10, 1836.

SIR: His Excellency the first Secretary of State and Affairs of her Catholic Majesty, my august sovereign, has addressed the following communication, under date of the 21st of November last, to the legation under my charge:

"A citizen of that republic and member of its Congress, named Mr. White, has solicited from the queen governess, in virtue of powers conferred upon him by various Spanish inhabitants of the Floridas, legalized copies of certain public documents now in the archives of this department relating to the cession of the Floridas, to be used in defending the rights of the said persons to the possession of lands and property, in a suit which is to be decided in January next in the Supreme Court of those States.

"Her Majesty having been informed on the subject, has been pleased to accede to this request; in consequence of which, and by royal order, I transmit to you the accompanying copies of the said papers, that you may deliver them to Mr. White, to be used by him as he may judge proper for the benefit of his clients."

I have therefore the honor to communicate to you the above, and to send you the documents referred to. Be pleased, sir, to acknowledge the receipt of them, and to accept the assurances of my distinguished consideration.

A. CALDERON DE LA BARCA.

To JOSEPH M. WHITE.

Translated from the original in the Spanish language, by me, Robert Greenhow, translator of foreign languages to the Department of State of the United States.

*Washington, March* 22, 1836.

B.

*Preliminary Convention between the Kings of France and Spain for the cession of Louisiana to the latter.*

Translated from a certified copy of the original in the French language, deposited in the archives of the Department of State at Madrid.

The most Christian King, being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin the Catholic King, proposes in consequence to act with his Catholic Majesty, at all times and in all circumstances, in a perfect uniformity of principles, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his most Christian Majesty, being fully sensible of the sacrifices made by the Catholic King, in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The most Christian King has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic King, in the most authentic form, an act, whereby his most Christian Majesty cedes in entire possession, purely and simply, without exception, to his Catholic Majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island in which that place stands.

But as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic Majesty, he has thought proper only to accept the said cession conditionally, and *sub spe rati* [*under expectation that it will be ratified,*] until he receives the orders expected by him from the King his master, which, if conformable with the desires of his most Christian Majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country; stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New Orleans by the subjects of his most Christian Majesty, and for the possession of the same by those of his Catholic Majesty.

In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau, on the third of November, one thousand seven hundred and sixty-two.

The DUKE DE CHOISEUL,
The DUKE DE GRIMALDI.

A true copy from the original.

The MARQUIS DE CHOISEUL.

To the copy from which the above translation was made, are appended the certificates of Don Ceferino Cevallos, archivist of the Department of State of Spain, to its exact conformity with the original; and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, of its having been received by him from the first Secretary of State of Spain, and delivered to the honorable J. M. White, of Florida.

The translation was faithfully made by Robert Greenhow, translator of foreign languages to the Department of State of the United States.

*Washington, March* 24, 1836.

D.

*Definitive act of cession of Louisiana by the King of France to the King of Spain.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State, from an authentic copy of the original in the Department of State of Spain; to which copy are appended the certificate of Don Ceferino Cevallos, archivist of the Department of State of Spain, that it is a true copy from the original; and the certificate of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that it was received by him officially from the first Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Louis, by the grace of God, King of France and Navarre, to all to whom these presents shall come, greeting: Whereas our very dear and well-beloved cousin, the Duke de Choiseul, peer of our realm, knight of our orders and of the golden fleece, lieutenant general of our armies, governor of Touraine, colonel general of the Swiss and Grisons, grandmaster and superintendent general of the posts and relays of France, our minister and secretary of state for the departments of war and marine and the correspondence with the courts of Madrid and Lisbon, did sign, in our name, with the Marquis de Grimaldi, knight of our orders, gentlemen of the chamber, in exercise of our very dear and well-beloved brother and cousin, the Catholic King, and his ambassador extraordinary near us, a preliminary convention, whereby, in order to give to our said brother and cousin a new testimonial of our tender friendship, of the strong interest which we take in satisfying him and promoting the welfare of his crown, and of our sincere desire to strengthen and render indissoluble the bonds which unite the French and Spanish nations, we ceded to him entire and perpetual possession of all the country known under the name of Louisiana,

together with New Orleans and the island in which that city stands; which convention had only been signed conditionally and *sub spe rati* by the Marquis de Grimaldi: and whereas our said brother and cousin the Catholic King, animated by the same sentiments towards us which we have evinced on this occasion, has agreed to the said cession, and ratfied the conditional acceptation made by his said ambassabor extraordinary, which convention and ratification are here inserted word for word as follows:

Don Carlos, by the grace of God, King of Castile, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Gallicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves, of Algesiras, of Gibraltar, of the Canary islands, of the East and West Indies and the islands and main land of the ocean, archduke of Austria, duke of Burgundy, of Brabant, and Milan, count of Hapsburg, of Flanders, of Tyrol, and of Barcelona, lord of Biscay and of Molina, &c.

Whereas, on the third day of the present month, the preliminaries of a peace were signed between the crowns of Spain and France on the one part, and those of England and Portugal on the other, and the most Christian King, my very dear and well-beloved cousin, purely from the nobleness of his heart, and the love and friendship in which we live, thought proper to dispose that the Marquis de Grimaldi, my ambassador extraordinary near his royal person, and the Duke de Choiseul, his minister of state, should on the same day sign a convention, by which the crown of France ceded immediately to that of Spain the country known by the name of Louisiana, together with New Orleans and the island in which that city stands, and by which my said ambassabor agrees to the cession only conditionally *sub spe rati*, as he is not furnished with orders to execute it absolutely; the tenor of which convention is the following:

The most Christian King, being firmly resolved to strengthen and perpetuate the bonds of tender amity which unite him to his cousin, the Catholic King, proposes in consequence to act with his Catholic Majesty, at all times and in all circumstances, in a perfect uniformity of principle, for the common glory of their house and the reciprocal interests of their kingdoms.

With this view, his most Christian Majesty being fully sensible of the sacrifices made by the Catholic King, in generously uniting with him for the restoration of peace, desires, on this occasion, to give him a proof of the strong interest which he takes in satisfying him and affording advantages to his crown.

The most Christian King has accordingly authorized his minister, the Duke de Choiseul, to deliver to the Marquis de Grimaldi, the ambassador of the Catholic King, in the most authentic form, an act whereby his most Christian Majesty cedes in entire possession, purely and simply, without exception, to his Catholic Majesty and his successors, in perpetuity, all the country known under the name of Louisiana, as well as New Orleans and the island in which that place stands.

But, as the Marquis de Grimaldi is not informed with sufficient precision of the intentions of his Catholic Majesty, he has thought proper only to accept the said cession conditionally and *sub spe rati*, until he receives the orders expected by him from the King his master, which, if conformable with the desires of his most Christian Majesty, as he hopes they will be, will be followed by the authentic act of cession of the said country, stipulating also the measures and the time, to be fixed by common accord, for the evacuation of Louisiana and New Orleans by the subjects of his most Christian Majesty, and for the possession of the same by those of his Catholic Majesty. In testimony whereof, we, the respective ministers, have signed the present preliminary convention, and have affixed to it the seals of our arms.

Done at Fontainebleau on the third of November, one thousand seven hundred and sixty-two.

The DUKE DE CHOISEUL,
The MARQUIS DE GRIMALDI.

Therefore, in order to establish between the Spanish and French nations the same spirit of union and friendship which should subsist as they do in the hearts of their sovereigns, I, therefore, take pleasure in accepting, as I do accept, in proper form, the said act of cession, promising also to accept those which may hereafter be judged necessary for carrying it into entire and formal execution, and authorising the said Marquis de Grimaldi to treat, conclude, and sign them.

In testimony whereof, I have ordered these presents to be drawn up, signed by my hand, sealed with my privy seal, and countersigned by my councillor of state and chief secretary of state and war. Given at San Lorenzo el Real on the thirteenth of November, seventeen hundred and sixty-two.

I, THE KING.

Countersigned: RICARDO WALL.

The said acceptation and ratification having been approved by us, and regarded as a strong evidence of the friendship and good will of our very dear and well-beloved cousin, the Catholic King, we renew and confirm by these presents the cession of Louisiana and of New Orleans, with the island in which that city stands, promising immediately to conclude with our said brother and cousin a convention, in which the measures to be taken in concert for executing and consummating this cession to our mutual satisfaction will be fixed by common accord. In faith whereof, we have caused these presents to be drawn up, which we have signed with our hands, and have affixed to them our secret seal.

Given at Versailles on the twenty-third day of the month of November, in the year of grace one thousand seven hundred and sixty-two, and of our reign the forty-eighth.

LOUIS.

By the King:
CHOISEUL, DUKE DE PRASLIN.

E. and F.

*The seventh article of the definitive treaty of peace and amity between the Kings of France, Spain, and England, signed at Paris on the 10th of February, 1763; which is word for word the same with the sixth article of the preliminary convention between the same Powers, signed at Fontainebleau on the 3d of November, 1762.*

Translated from authentic copies of both the articles in the French language, which have been found to be identical, by Robert Greenhow, translator of foreign languages to the Department of State of the United States; to which copies are appended the certificates of Don Ceferino Cevallos, keeper of the archives of the Department of State at Madrid, that they are exact transcripts from the originals; and of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain, that they were transmitted to him by the Secretary of State of Spain, and delivered to the honorable J. M. White, of Florida.

Artcle 7 or 6. In order to re-establish peace on solid and durable foundations, and to remove forever all motives for dispute respecting the limits of the French and British territories on the American continent, it has been agreed that the limits between the States of his most Christian Majesty and those of his Britannic Majesty in that part of the world shall hereafter be irrevocably fixed by a line drawn along the middle of the river Mississippi, from its source to the river Iberville; and thence, by another line through the middle of that river, and of the lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most Christian King cedes to his Britannic Majesty, and guaranties to him, the entire possession of the river and port of Mobile, and of all that he possesses, or should have possessed, on the left bank of the river Mississippi, with the exception of New Orleans, and of the island whereon that city stands, which are to remain subject to France; it being understood that the navigation of the Mississippi river is to be equally free to the subjects of Great Britain and of France, in its whole breadth and extent, from its source to the sea, and particularly that part between the said island of New Orleans and the right bank of the river, as well as the entrance and departure by its mouth. It is moreover stipulated that the vessels belonging to the subjects of either nation are not to be detained, searched, nor obliged to pay any duty whatsoever. The stipulations contained in the fourth article, in favor of the inhabitants of Canada, are to be of equal effect with regard to the inhabitants of the countries ceded by this article.

G.

*Note from the French minister to the Spanish ambassador; translated from a copy certified like that from which the preceding translation was made.*

Versailles, *April* 21, 1764.

To the Conde De Fuentes:

Sir: The King has caused the necessary orders to be issued for the surrender of the country of Louisiana, with New Orleans and the island in which the said city stands, into the hands of the commissioner whom his Catholic Majesty may appoint to receive them. I have sent the same papers to the Marquis D'Ossun, who will have

the honor to present them to his Catholic Majesty. Your excellency will see that the King's orders are entirely conformable with the acts signed in 1762, and that his Majesty has caused some articles to be inserted, equally conducive to the tranquility of the country after it is in the possession of his Catholic Majesty, and to the happiness of its inhabitants.

I have the honor to be,
With great esteem,
Your Excellency's
Most humble and obedient servant.
THE DUKE DE CHOISEUL.

H.

*Order from the King of France to the Governor of Louisiana to deliver up that province to the Spaniards.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from an authentic copy of the original in the archives of the Department of State of Madrid; to which copy are appended the certificates of Don Ceferino Cevallos, keeper of the archives of the Department of State at Madrid, that it is a faithful transcript from the original; and of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that it was transmitted to him officially by the Secretary of State of Spain, to be delivered to the honorable J. M. White, of Florida.

MONSIEUR DABADIE: By a convention made at Fontainebleau on the 3d of November, 1762, I ceded, of my own free will, to my very dear and well-beloved cousin, the King of Spain, and to his successors and heirs, in perpetuity, purely, simply, and without exception, all the country known by the name of Louisiana, together with New Orleans and the island in which that city stands; and by another act, made at the Escurial, and signed by the King of Spain on the 13th of November of the same year, his Catholic Majesty accepted the cession of the said country of Louisiana, and of the city and island of New Orleans, conformably with the copies of the said acts, which you will receive with this. I now write to inform you of my intention, which is, that as soon as this letter and the annexed copies reach you, whether through the officers of his Catholic Majesty or directly by the French ships charged with their delivery, you are to surrender, into the hands of the governor or officer appointed for the purpose by the King of Spain, the said country and colony of Louisiana and the posts dependent on it, together with the city and island of New Orleans, such as they may be on the day of the said surrender; as it is my wish that they should belong in future to his Catholic Majesty, to be governed and administered by his governors and officers as his property, entirely and without exception.

I therefore order you, as soon as the governor and troops of his Catholic Majesty arrive in the said countries and colony, to put them in possession, and to withdraw all the officers, soldiers, and persons employed in my service who may be there yet in garrison, sending back to France, or to my other American colonies, those who may not choose to remain under the Spanish dominion. It is, moreover, my pleasure that, after the evacuation of the said posts and city of New

Orleans, you should collect all the papers and documents relative to the finances and administration of the colony of Louisiana, and bring them to France for the regulation of the accounts. It is nevertheless my wish that you should deliver to the said governor or officer appointed for the purpose, all papers or documents which may specially concern the government of the colouy, either as relating to the territory and its limits, or to the savages, and to the different posts, after having taken the proper receipts for your discharge; and that you should give to the said governor all the information in your power, to enable him to govern the said colony to the satisfaction of his Catholic Majesty. And in order that the said cession may be conducted to the mutual satisfaction of both nations, it is my will that an inventory be made of all the artillery, arms, ammunition, effects, stores, hospitals, ships, &c., belonging to me in the said colony; which inventory is to be signed in duplicate by you, and by the commissioner of his Catholic Majesty. Finally, it is my will that, after having placed the Spanish commissioner in possession of the public buildings, a statement be made of the value of the said effects which may remain in the country, in order that the amount resulting from the said valuation may be paid by his Catholic Majesty. At the same time, I hope, for the advantage and tranquility of the inhabitants of the colony of Louisiana, and I promise myself, from the friendship and affection of his Catholic Majesty, that he will give orders to his governor and to all other officers employed in his service in the colony and the city of New Orleans, that the ecclesiastics and the religious houses providing for the spiritual wants of the people and for the supply of the missions may continue their functions, and enjoy the rights, privileges, and exemptions allowed to them by the titles of their establishments; that the ordinary judges and the superior council may continue to dispense justice according to the laws, forms, and usages of the colony; that the inhabitants may be kept and maintained in their possessions; that they may be confirmed in the ownership of their property, according to the grants which may have been made to them by the governors and *ordonnateurs* of the colony; and that the said grants be considered, reputed, and confirmed by his Catholic Majesty, although they might not have been confirmed by me. I hope, moreover, that his Majesty will be pleased to give to his new subjects of Louisiana the same marks of protection and kindness which they have received under my authority, and of which the misfortunes of war alone have prevented them from experiencing the most advantageous effects. I order you to have this (my letter) registered by the superior council of New Orleans, so that the different estates of the colony may be informed of its contents, and may have recourse to it when necessary. And these being the sole objects of the present letter, I pray God, M. Dabadie, that he will keep you in his holy charge.

Given at Versailles on the 21st of April, 1764.

LOUIS.

Countersigned: The Duke De Choiseui.

I.

I, Don Ceferino Cevallos, commander of the royal American order of Isabel the Catholic, one of the council of state of her Majesty, her secretary and official archivist of the department of state, do certify that, among the documents in the archives under my care, is the treaty of friendship, limits, and navigation, concluded between the King our lord and the United States of America, signed at San Lorenzo el Real on the 27th of October, 1795, and ratified at Aranjuez on the 25th of April, 1796; of which treaty the second article is as follows:

"ARTICLE 2. In order to avoid all dispute respecting the limits between the territories of the two high contracting parties, it has been agreed and declared in the present article, that the southern boundary of the United States, which divides their territory from the Spanish colonies of West Florida and East Florida, shall be a line beginning at the Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, and thence proceeding directly to the east, to the middle of the river Appalachicola, or Chattahoochie; thence, along the middle of that river to its juncture with Flint river; thence, in a straight line to the source of the river St. Mary; and thence, passing down through the middle of that river, to the Atlantic ocean. And the two powers have agreed that, if there should be any troops, garrisons, or establishments belonging to either of the two parties in the territory of the other, according to the limits above mentioned, they shall retire from the said territory within six months after the ratification of this treaty, or earlier if possible; and they shall have permission to carry with them the goods and effects which they may possess."

In faith of which, by order of his excellency the first secretary of state, I have given the present at Madrid, on the 10th of November, 1835. CEFERINO DE CEVALLOS.

Follows the certificate of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States, that the said copy was received by him under the seal of the Secretary of State of Spain, and delivered to the honorable J. M. White, of Florida.

Translated from the original Spanish, by Robert Greenhow, translator of foreign languages to the Department of State of the United States.

K.

*Preliminary and secret treaty between France and Spain, of October 1st, 1800, for the enlargement of the territories of the Duke of Parma, and the restoration of Louisiana to France.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from an authentic copy of the original; to which were annexed the certificates of Don Ceferino Cevallos, keeper of the archives of the Department of State at Madrid, that it was faithfully transcribed from the original in his care; and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States of America, that it was received by him from the Secretary of State of Spain, and delivered to the Hon. J. M. White, of Florida.

Bonaparte, First Consul, in the name of the French people:

The Consuls of the republic having seen and examined the pre-

liminary and secret treaty concluded, determined, and signed on the ninth Vendemiaire, of the year nine, [first of October, eighteen hundred,] by General Alexandre Berthier, minister extraordinary of the French republic, in virtue of full powers confided in him to that effect, with Don Louis d'Orquijo, knight of the order of Charles the Third and of that of Saint John of Jerusalem, the first secretary of state to his Majesty the King of Spain, who was likewise furnished with full powers; of which treaty and powers the following is the tenor, to wit:

[TREATY.]

Preliminary and secret treaty between the French republic and his Catholic Majesty the King of Spain, respecting the enlargement of the dominions of his Royal Highness, the infant Duke of Parma, in Italy, and the restoration of Louisiana.

His Catholic Majesty having always manifested much solicitude to procure an enlargement of the territories of his Royal Highness, the Duke of Parma, so as to place his states on a footing conformable with his dignity; and the French republic, on its part, having long since signified to his Majesty the King of Spain the desire to be again put in possession of the colony of Louisiana; the two governments having communicated to each other their views with regard to these objects of common interest, and circumstances permitting them to enter into engagements calculated to ensure, as far as relates to themselves, this mutual satisfaction; they have authorized to that effect, namely, the French republic, citizen Alexandre Berthier, general-in-chief, and his Catholic Majesty, Don Mariano Louis d'Orquijo, knight of the order of Charles the Third and of that of Saint John of Jerusalem, his councillor of state, his ambassador extraordinary and plenipotentiary near the Batavian republic, and his first secretary of state *ad interim;* who, having exchanged their powers, have agreed upon the following articles, with the reserve that they are to be ratified:

ARTICLE 1. The French republic engages to procure for his Royal Highness, the infant Duke of Parma, an enlargement of his territories in Italy, sufficient to give to his states a population of from a million to twelve hundred thousand inhabitants, with the title of king, and all the rights, prerogatives, and pre-eminences attached to the royal dignity; and the French republic engages to obtain to that effect the assent of his Majesty the Emperor and King, and the other states interested, so that his Royal Highness, the Duke of Parma, may be placed in incontestable possession of the said territories, on the conclusion of the peace between the French republic and his Imperial Majesty.

ARTICLE 2. The enlargement of the dominions of his Royal Highness, the Duke of Parma, may consist of Tuscany, in case the negotiations now in progress between the French Government and his Imperial Majesty should place that country at the disposition of the former government; it might also consist of the three Roman legations, or of any other provinces of continental Italy forming a compact state.

ARTICLE 3. His Catholic Majesty promises and engages, on his part, six months after the full and entire execution of the conditions and stipulations above mentioned, relative to his Royal Highness, the Duke of Parma, to restore to the French republic the colony and province of Louisiana, in the same extent which it now has under the dominion of Spain and of other states.

ARTICLE 4. His Catholic Majesty will give the necessary orders for the occupation of Louisiana by France, as soon as the states composing the enlargement of the dominions of the Duke of Parma are placed in the power of his Royal Highness. The French republic may, however, defer taking possession of it, according to its own convenience. When the occupation is to be effected, the states directly or indirectly concerned will agree upon the ulterior conditions which may be required for their common advantage, and for that of the respective inhabitants.

ARTICLE 5. His Catholic Majesty engages to deliver to the French republic, in the ports of Spain in Europe, one month after the execution of the stipulation relative to the Duke of Parma, six ships of war, in good condition, pierced for seventy-four guns each, armed, equiped, and ready to receive French crews and provisions.

ARTICLE 6. As the stipulations of the present treaty have no injurious tendency, and leave the rights of all undisturbed, it cannot be expected that they should give umbrage to any power. Nevertheless, should it prove otherwise, and should the two states be attacked or menaced in consequence of their execution, the two powers engage to make common cause, in order to repeal the aggression; as, also, for the purpose of taking conciliatory measures for the preservation of peace with all their neighbors.

ARTICLE 7. The engagements contained in the present treaty are in no point at variance with those set forth in the treaty of alliance signed at Saint Ildefonso on the 2d of Fructidor, year the fourth, (18th August, 1796;) on the contrary, they unite the interests of the two powers by new links, and they strengthen the guarantees stipulated in the treaty of alliance, with regard to all cases to which they should apply.

ARTICLE 8. The ratifications of the present preliminary articles shall be drawn up and exchanged within one month from the date of the present treaty, or earlier if possible.

In faith whereof, we, the undersigned ministers plenipotentiary of the French republic and of his Catholic Majesty, in virtue of our respective powers, have signed the present preliminary articles, and have affixed to them the seals of our arms.

Done at Saint Ildefonso on the ninth of Vendemiaire, in the ninth year of the French republic, (the 1st of October, eighteen hundred.)

ALEXANDRE BERTHIER,
MARIANO LOUIS D'ORQUIJO.

[POWER.]

In the name of the French people, Bonaparte, First Consul of the

republic, upon the report of the minister of foreign relations, decrees as follows:

General Alexandre Berthier is authorized to conclude and sign a convention between the French republic and his Catholic Majesty the king of Spain, relative to an increase of the states of the Duke of Parma in Italy; he is, for that purpose, invested with full powers to treat with the person whom his Majesty the king of Spain may charge to negotiate with him upon all points relative to that object.

The minister of foreign relations is charged with the execution of the present decree.

Done at Paris on the twenty-seventh of Thermidor, in the eighth year of the French republic.

BONAPARTE.

The minister of foreign relations.

CHARLES MAURICE TALLEYRAND.

By the First Consul:

HUGUES MARET, *Secretary of State.*

[POWER.]

Don Carlos, by the grace of God, king of Castile, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Gallicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jean, of Algarves, of Algesiras, of Gibraltar, of the Canary islands, of the East and West Indies, the islands and main land of the ocean; arch duke of Austria; duke of Burgundy, of Brabant, and of Milan; count of Hapsburg, of Flanders, of Tyrol, and of Barcelona; lord of Biscay, and of Molina, &c. &c. &c., having communicated to the First Consul of the French republic my anxious wishes to procure for my beloved brother and cousin, the infant Duke of Parma, some augmentation of his estates in Italy, in order to indemnify him for the repeated losses which he has naturally suffered, in consequence of existing circumstances, the said First Consul has given me to understand that this subject might be discussed and settled between himself and my person; whereunto he declared his own willingness, as warranted by the relations of amity and alliance which unite us. I have therefore resolved to appoint, for the execution of this important business, a person duly qualified for entering on, prosecuting, and concluding the affair, until it be ready for my ratification; and being well satisfied with you, Don Mariano Louis d'Orquijo, knight pensioner of the royal and distinguished Spanish order of Charles the Third, and that of Malta, of my council of state, my ambassador extraordinary and plenipotentiary near the Batavian republic, and my first secretary of state *ad interim*, on account of your capacity and tried zeal in my service, I have determined to confer upon you full power, in the most ample form, to treat with the person or persons authorized by the French Government, respecting the increase and enlargement of the estates of my brother and consin, the infant Duke of Parma, and all points connected with that

subject, and to regulate, adjust, and sign all articles, agreements, and conventions which may conduce to the completion of the said affair, reserving to myself, however, the right of ratifying them.

In faith whereof, I have caused the present to be issued, signed by my hand, sealed with my secret seal, and countersigned by my secretary of state, and of the universal department of grace and justice of Spain and the Indies, at Saint Ildefonso, on the 1st of October, eighteen hundred

THE KING.

Countersigned: JOSE ANTONIO CAVALLERO.

[RATIFICATION.]

In virtue of the 49th article of the constitution, I approve the foregoing treaty, in all and each of its articles therein contained, declaring that it is accepted, ratified, and confirmed, and promising that it shall be inviolably observed.

In faith whereof, these presents have been issued, signed, countersigned, and sealed with the great seal of the republic, at Paris, on the twenty-seventh of Vendémiaire, in the ninth year of the French republic, (19th of October, eighteen hundred.)

BONAPARTE.

By the First Consul:

HUGUES MARET,
*Secretary of State.*
CHARLES MAURICE TALLEYRAND,
*Minister of Foreign Relations.*

## L.

*Treaty of March* 21, 1801, *between the French Republic and Spain.*

Translated from a certified copy of the original, in French and Spanish, deposited in the archives of the Department of State, at Madrid.

The First Consul of the French republic and his Catholic Majesty, desiring to establish definitively what states are to be given, as equivalents for those of Parma, to the son of the present duke, the infant Don Ferdinand, brother of the Queen of Spain, have agreed upon the following articles, and have authorized to form this treaty, to wit, the First Consul, Citizen Lucien Bonaparte, the present ambassador of the republic near his Catholic Majesty; and his Catholic Majesty, the Prince of the Peace, who have agreed upon the following articles:

ARTICLE 1. The reigning Duke of Parma renounces, for himself and his heirs, forever, the Duchy of Parma, with all its dependencies, in favor of the French republic; and his Catholic Majesty guaranties this renunciation.

ART. 2. The Grand Duchy of Tuscany, which has been likewise renounced by the Grand Duke and ceded to the French republic, under the guarantee of the Emperor of Germany, shall be given to the son of the Duke of Parma, in compensation for his states which have been ceded by his father, the Infant, and in virtue of another

treaty previously made between his Catholic Majesty and the First Consul of the French republic.

ART. 3. The Prince of Parma will proceed to Florence, where he will be recognised as sovereign of all the states belonging to the Grand Duchy, and he will receive, in the most solemn form, from the hands of the constituted authorities of the country, the keys and the oath of vassalage due to him as the sovereign. The First Consul will aid, with all his forces, in the peaceful accomplishment of this convention.

ART. 4. The Prince of Parma shall be recognised as King of Tuscany, with all the honors due to his rank; and the First Consul will cause him to be acknowledged and treated as such King by all the other powers whose recognitions should precede the act of possession.

ART. 5. The *dependent* portion of the isle of Elba belonging to Tuscany shall remain in the power of the French republic; and the First Consul shall give, as an equivalent to the King of Tuscany, the country of Piombino, which belonged to the King of Naples.

ART. 6. As this treaty has its origin in that concluded between the First Consul and his Catholic Majesty, by which the King cedes to France the possession of Louisiana, the contracting parties agree to carry into effect the articles of that treaty; and that, while the difficulties with regard to them are in process of arrangement, the present treaty shall not destroy the rights of either party.

ART. 7. And as the new house, which is to be established in Tuscany, is of the Spanish family, those states shall always be the property of Spain, and an infant of that family shall reign there in case of a failure of the succession of the King now placed on the throne, or of his children, if he should have any, in which event the children of the reigning house of Spain shall succeed.

ART. 8. The First Consul and his Catholic Majesty, in consideration of the renunciation of the reigning Duke of Parma in favor of his son, will determine upon some honorable indemnification for him, either in possessions or in an annuity.

ART. 9. The present treaty shall be ratified, and the ratifications shall be exchanged within three weeks, otherwise it will, after that period, be of no value.

Done at Aranjuez on this thirtieth of Ventose, in the ninth year of the republic, (March 21, 1801.)

LUCIEN BONAPARTE.
*The Prince of the Peace.*

To the copy from which the above translation was made, are appended the certificates of Don Ceferino Cevallos, archivist of the Department of State of Spain, to its exact conformity with the original, and of Don Angel Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain, in Washington, of its having been received by him from the said Cevallos, and delivered to the honorable J. M. White, of Florida. Faithfully translated by me, Robert Greenhow, translator of foreign languages to the Department of State of the United States.

WASHINGTON, *March* 23, 1836.

M.

*Translation of a letter from the Secretary of State of Spain to Charles Pinckney, Minister of the United States to Madrid, refusing to sell the Floridas to the United States.*

ARANJUEZ, *April* 7, 1802.

SIR: I have communicated to his Majesty the proposition which your excellency made in the name of your Government, in your official letter of the 24th of March last, respecting the cession of the two Floridas to the United States of America, by sale. His Majesty, having been made well acquainted with every thing advanced by your excellency in support of that idea, has commanded me to inform you in reply, that his Majesty rejoices in every opportunity of strengthening the bonds of friendship with the United States of America, but that the subject in question, being one of the utmost weight and importance, merits great circumspection before it can be determined.

With regard to the request made by you in the same official letter, that a mercantile agent of the United States should be permitted to reside at New Orleans, his Majesty does not accede to it, as it is prohibited by our laws of the Indies; and from the just consideration that, by making one example of that kind, the door would be opened for like demands on the part of other nations.

I embrace this opportunity to assure you of my distinguished consideration, &c.

PEDRO CEVALLOS.

To CHARLES PINCKNEY, Esq.,
*Envoy Extraordinary and Minister Plenipotentiary of the United States of America.*

The above was translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from a copy in Spanish of the original, existing in the archives of the Department of State at Madrid; which is authenticated by the certificate of Don Ceferino de Cevallos, the keeper of those archives, and by that of Don A. Calderon de la Barca, envoy extraordinary and minister plenipotentiary of Spain in the United States.

N.

*From Charles Pinckney, Envoy Extraordinary and Minister Plenipotentiary of the United States of America at Madrid, to his Excellency Don Pedro Cevallos, Secretary of State of Spain.*

ARANJUEZ, *February* 17, 1803.

I had the honor, last evening, to state to your excellency the nature of the information I had received from our Government, and their instructions respecting the conduct of the Intendant of New Orleans, in prohibiting the deposite of American effects, stipulated by the treaty of 1795. I trust, from the statements then made, your excel-

lency was fully impressed with the delicacy and pressing importance of the subject, and the sensibility and anxiety of our Government and citizens to have this order of the Intendant immediately revoked, under the conviction that it was issued without the knowledge of his Majesty or his Government, on whose honorable and exact compliance with treaties they had the most perfect reliance. It was with particular pleasure, therefore, I received from your excellency the information that this order of the Intendant had been issued by him, without the knowledge of his Majesty or his Government, and that orders should be immediately sent to New Orleans to the Intendant and proper authorities there to regulate the commerce and intercourse of the citizens of the United States in that port by the treaty of 1795, and to place the same on the footing it had been from the foundation of that treaty to the issuing of the Intendant's order. Your excellency was pleased to add that you would transmit a duplicate of this order to the minister plenipotentiary of his Majesty in the United States, to be shown to their Government, and forwarded by your minister to New Orleans. I will, at the same time, thank your excellency to be so obliging as to favor me with a copy of the order, that I might also be enabled to transmit it by some safe and speedy opportunity. I had the honor, yesterday, to state to your excellency *the anxiety of our Government on the subject of possessing the territory on the east side of the Mississippi. The importance of this acquisition to them, for the purposes of securing to the citizens of one-half of the United States the certain means of exporting their products,* has been so fully explained to your excellency in my letter written in March last, and in subsequent conversations, that I need not, at this time, go again into the subject. Referring your excellency to them, I have now to say that the Government of the United States, from many circumstances, as well as from the conduct of the Intendant, feel themselves *every day more convinced of the necessity of their having a permanent establishment on the Mississippi, convenient for the purposes of navigation, and belonging solely to them. To obtain this, they have authorized me to say that, should his Majesty be now inclined to sell to the United States his possessions on the east side of the river Mississippi, or between that and the river Mobile, agreeably to the propositions enclosed, the United States will make to his Majesty, and I do now in their name make, the important offer of guarantying to him and his successors his dominions beyond the Mississippi.* It is with his Majesty and his ministers to consider, for the reasons I had the honor to state in our conversation of the last evening, *the immense importance of this offer to the Spanish crown, and to reflect how far it may be in the power of any other nation to make an offer so truly valuable and precious as this is to Spain*—one that the United States would never have made, but from a conviction of the indispensable necessity of their possessing a suitable establishment on this river, and which this territory can alone furnish. The unshaken, and, indeed, unimpeached honor of the United States in the exact performance of treaties and guarantees, and in all their public contracts and transactions, is so well known as certainly to

convince his Majesty and his ministers that any stipulations on their part will be faithfully executed. Referring your excellency to our conversation the last evening, *in which I opened to you many of the reasons for making this offer, I wish your excellency to submit them to his Majesty*, and in a short time I will have the honor to see your excellency again on my return from Madrid, for which place, for the present, I will thank your excellency to direct your letters for me.

I have the honor to be, &c.

CHARLES PINCKNEY.

O.

*Propositions made to Spain on the 17th of February, 1803, by Charles Pinckney, on the part of the United States.*

1. The United States will purchase the possessions of his Catholic Majesty, on the east side of the river Mississippi, for which they will pay —— dollars.

2. They will purchase these possessions, for which they will pay —— dollars; and, moreover, guaranty to his Majesty and his successors his possessions beyond the river Mississippi.

3. They will purchase the country between the rivers Mississippi and Mobile, belonging to his Majesty, and, also, places of deposite near the mouths of the other rivers passing from their territory through either of the Floridas, for which they will pay —— dollars, or enter into other obligations which may be thought equivalent to the acquirement.

4. If none of these propositions can be acceeded to, they will then purchase certain tracts of country on the banks of the Mississippi, and the other rivers passing from their territory into that of his Catholic Majesty, for which they will pay —— dollars, or enter into other obligations which may be thought equivalent to the acquirement.

P.

*Translation of a letter from the Secretary of State of Spain to Charles Pinckney, Minister of the United States of America at Madrid.*

PALACE, *July* 19, 1803.

*To the Minister of the United States of America:*

SIR: His Majesty the King having given orders to his minister near the United States of America to make known to that Government the absolute nullity of the proceedings of France in disposing of Louisiana, which she had formally and positively engaged not to sell, I now communicate the same to you, in order that you may submit it to your Government, which will thus receive it by distinct channels. At the same time, I must inform you, in reply to the assurance given me by you at our last conference that France had also ceded West Florida, that the said province never has at any time or by any title belonged to the French.

I am, &c.,

PEDRO CEVALLOS.

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from a copy of the original in Spanish, which is deposited in the archives of the Department of State of Madrid; which copy was authenticated by the certificates of Don Ceferino Cevallos, keeper of those archives, and of Don A. Calderon de la Barca, minister of Spain in the United States.

Q.

*Protest of the Marqais de Casa Calvo, commissioner of Spain, respecting the pretensions of the United States, addressed to M. Lausat, the colonial prefect of Louisiana, with the reply of the latter.*

Translated by Robert Greenhow, translator of foreign languages to the Department of State of the United States, from copies taken from originals in the archives of the Department of State of Madrid; which copies were authenticated by the certificates of Don Ceferino de Cevallos, keeper of the said archives, and of Don A. Calderon de la Barca, minister of Spain in the United States of America.

NEW ORLEANS, *March* 31, 1804.

*To the colonial prefect and commissioner of the French Republic:*

I should be guilty of a great dereliction from my duty, and from the necessities imposed by the confidence of the King, my master, when he gave me my commission, if, while you are preparing for your voyage, and terminating the operations in which I was also destined to bear a part, I should neglect to communicate to you, in the name of the King, that Spain cannot, with indifference, regard the exorbitant propositions which the United States are beginning to set forth, with regard to the limits both to the east and the west of the province of Louisiana. The limits on the east are established by solemn treaties, and for that very reason are absolutely unquestionable: it however appears that France herself is supporting the establishment of those on the west, at the mouth of the river Bravo. I cannot, therefore, refrain from entering my most solemn protest against any operations or intentions of establishing the limits beyond the river Sabine, until his Majesty shall have resolved upon some measure with regard to the subject; as such a proceeding would be prejudicial to the interests of Spain, and would tend to dismember a considerable portion of the internal provinces of Mexico, to the great damage of the dominions of his Majesty and of his subjects.

And in order that this may forever be public, I beseech you, sir, to inform your Government of it, in order that the limits may be settled truly, which now appear undetermined, and the operations of tracing them may be begun upon the basis already acknowledged by France when she formerly possessed the province of Louisiana.

May God preserve you many years.

THE MARQUIS DE CASA CALVO.

R.

*Reply to the foregoing protest.*

NEW ORLEANS, 12 *of Germinal, year* 12, *(2d of April,* 1804.)

*To the Marquis de Casa Calvo, brigadier of the armies of Spain, and commissioner of his Catholic Majesty.*

SIR: I will faithfully submit to my Government the declaration in

the form of a protest, which you placed in my hands by your letter of the 10th Germinal of the present year, (March 31, 1804,) respecting the limits which should be established for Louisiana, according to the treaty of restoration and of cession, in execution of which I here represent the French people, by commission from the First Consul. I have the honor to salute you, sir, with the greatest consideration.

LAUSSAT.

B No. 16.

*Tratado definitivo de pas concluido entre el Rey nuestro señor y la Republica Francesa, firmado en Basilea, a 22 de Julio de* 1795.

El Rey nuestro señor, que hasta aquí ha sostenido una guerra la mas cruel y dispendiosa para procurar la paz á sus vasallos, tiene la satisfaccion de haberla logrado tal como les conviene baxo las precisas condiciones dictadas por S. M. mismo á su plenipotenciario despues del mas maduro exâmen, y son las relacionadas en el presente tratado, cuya publicacion ha dispuesto á fin de que llegue á noticia de todos sus vasallos para su mayor consuelo.

S. M. Católica y la República Francesa animados igualmente del deseo de que cesen las calamidades de la guerra que los divide, convencidos íntimamente de que existen entre las dos naciones intereses respectivos que piden se restablezca la amistad y buena inteligencia; y queriendo por medio de una paz sólida y durable se renueve la buena armonía que tanto tiempo ha sido basa de la correspondencia de ambos paises; han encargado esta importante negociacion; es á saber:

S. M. Católica á su ministro plenipotenciario y enviado extraordinairo cerca del Rey y de la República de Polonia Don Domingo de Yriarte, caballero de la real orden de Cárlos III; y la República Francesa al Ciudadano Francisco Barthelemy su embaxador en Suiza, los quales despues de haber cambiado sus plenos poderes han estipulado los artículos siguientes:

Sa Majesté le Roi d'Espagne et la République Françoise également animées du desir de faire cesser les calamités de la guerre qui les divise: intimement convaincues qu'il existe entre les deux nations des intérêts respectifs qui commandent un retour réciproque d'amitié et de bonne intelligence, et voulant par une paix solide et durable rétablir la bonne harmonie qui depuis longtems avoit constamment été la base des rélations des deux pais, elles ont chargé de cette négociation importante; savoir:

Sa Majesté Catholique son ministre plenipotentiaire et envoyé extraordinaire près du Roi et de la République de Pologne D. Domingo de Yriarte, chevalier de l'ordre royal de Charles III &c. Et la République Françoise le Citoyen François Barthelemy, son ambassadeur en Suisse, les quels, après avoir échangée leurs pleins pouvoirs, on arreté les articles suivans:

I.

Habrá paz, amistad y buena inteligencia entre el Rey de España y la República Francesa.

II.

En conseqüencia cesarán todas las hostilidades entre las dos potencias contratantes, contando desede el cambio de las ratificaciones del presente tratado, y desde la misma época no podrá suministrar una contra otra, en qualquier calidad ó á qualquier título que sea, socorro ni auxilio alguno de hombres, caballos, víveres, dinero, municiones de guerra, navios, ni otra cosa.

III.

Ninguna de las partes contratantes podrá conceder paso por su territorio á tropas enemigas de la otra.

IV.

La República Francesa restituye al Rey de España todas las conquistas que ha hecho en sus estados durante la guerra actual. Las plazas y paises conquistados se evacuarán por las tropas Francesas en los quince dias siguientes al cambia de las ratificaciones del presente tratado.

V.

Las plazas fuertes citadas en el artículo antecedente, se restituirán á España con los cañones, municiones de guerra y enseres del servicio de aquellas plazas que existan al momento de firmarse este tratado.

I.

Il y aura paix, amitié et bonne intelligence entre le Roi d'Espagne et la République Françoise.

II.

En conséquence, toutes hostilites entre les deux puissances contractantes cesseront, à compter de l'échange des ratifications du present traité, et aucune d'elles ne pourra à compter de la même époque fournir contre l'autre, en quelque qualité, et à quelque titre qui ce soit, aucun secours ni contingent, soit en hommes, en chevaux, vivres, argent, munitions de guerre, vaisseaux, ou autrement.

III.

L'une des puissances contractantes ne pourra acorder passage sur son territoire à des troupes ennemies de l'autre.

IV.

La République Françoise restitue au Roi d'Espagne toutes les conquêtes qu'elle à fait sur lui dans le cours de la guerre actuelle. Les places et pais conquis seront évacués par les troupes Françoises dans les quinze jours qui souivront l'échange des ratifications du présent traité.

V.

Les places fortes dont il est fait mention dans l'article précédent, seront restituées à l'Espagne avec les canons, munitions de guerre, et effets à l'usage de ces places, qui y auront existe au moment de la signature de ce traité.

VI.

Las contribuciones, entregas, provisiones, ó qualquiera estipulacion de este género que se hubiese pactado durante la guerra, cessarán quince dias despues de firmorse este tratado. Todos los caidos ó atrasos que se deban en aquella época, como tambien los billetes dados, ó las promesas hechas en quanto á esto, serán de ningun valor. Lo que se haya tomada ó percibido despues de dicha época, se devolverá gratuitamente, ó se pagará en dinero contante.

VII.

Se nombrarán inmeditamente por ambas partes, comisarios que entablen un tratado de límites entre las dos potencias. Tomarán estos en quanto sea posible por basa de él, respecto á los terrenos contenciosos ántes de la guerra actual, la cima de las montañas que forman las vertientes de las aguas de España y de Francia.

VIII.

Ninguna de las potencias contrantes podrá, un mes despues del cambio de las ratificaciones del presente tratado, mantener en sus respectivas fronteras mas que el número de tropas que se acostumbraba tener en ellas ántes de la guerra actual.

IX.

En cambio de la restitucion de que se trata en el artículo IV, el Rey de Españo por sí y sus sucesores, cede y abandona en toda propiedad á la República Francesa toda la parte Española de la

VI.

Les contributions, livraisons, fournitures et prestations de guerre cesseront entiérement, à compter des quinze jours après la signature du présent acte de pacification. Tous les arrerages dus à cette époque, de même que les billets et promesses données ou faites à cet égard seront de nul effet. Ce qui aura été pris ou perçu après l'époque susdite, sera d'abord rendu gratuitement, ou payé en argent comptant.

VII.

Il sera incessamment nommé de part et d'autre des commissaires pour procéder à la confection d'un traité des limites entre les deux puissances. Ils prendront autent que possible pour base de ce traité, à l' égard des terrains qui étoient en litege avant la guerre actuelle, la crête des montagnes qui forment les versans des eaux d'Espagne et de France.

VIII.

Chacune des puissances contractantes ne pourra, à dater d'un moix après l'éxchange des ratifications du présent traité, entretennir sur les frontières respectives que le nombre des troupes qu'on avoit coutume d' y tenir avant la guerre actuelle.

IX.

En échange de la réstitution portée par l'article quatreime, le Roi d'Espagne pour lui et ses successeurs, céde et abandonne en toute proprieté à la République Françoise toute la partie Espag-

isla de Santo Domingo en las Antillas.

Un mes despues de saberse en aquella isla la ratificacion del presente tratado, las tropas Españolas estaran prontas á evacuar las plazas, puertos y establecimientos que allí ocupan para entregarlos á las tropas Francesas quando se presenten á tomar posesion de ella.

Las plazas, puertos y establecimientos referidos se darán á la República Francesa con los cañones, municiones de guerra y efectos necesarios á su defensa, que existanen ellos, quando tengan noticia de este tratado en Santo Domingo.

Los habitantes de la parte Española de Santo Domingo, que por sus intereses ú otros motivos prefieran transferirse con sus bienes á las posesiones de S. M. Católica, podrán hacerlo en el espacio de un año contado desde la fecha de este tratado.

Los generales y comandantes respectivos de las dos naciones se pondrán de acuerdo en quanto á las medidas que se hayan de tomar para la execucion del presente artículo.

X.

Se restituirán respectivamente á los individuos de las dos naciones, los efectos, rentas y bienes de qualquier géenero que se hayan detenido, tomado ó confiscado, á causa de la guerra que ha existido entre S. M. Católica y la República Francesa, y se administrará tambien pronta justicia por lo que mira á todos los créditos particulares, que dichos individuos puedan tener en los estados de las dos potencias contrantes.

nole de l'isle de St. Domingue aux Antilles.

Un moix après que la ratification du présent traité sera connûe dans cette isle les troupes Espagnoles devront se tenir prêtes à évacuer les places, ports et établissements qu'elles y occupent pour les remettre aux troupes de la République Françoise, au moment ou celles ci se présenteront pur en prendre possession.

Les places, ports et établissements dont il est fait mention cidessus, seront remis à la République Françoise avec les canons, munitions de guerre, et effects nécessaires à leur défense, qui y existeront au moment ou le présent traité sera conu à St. Domingue.

Les habitans de la partie Espagnole de St. Domingue qui par des motifs d'intérêt ou autres préféreroient de se transporter avec leurs biens dans les possessions de Sa Majesté Catholique, pourront le faire dans l'espace d'une année à compter de la date de ce Traité.

Les généraux et commandans respectifs de deux nations se concerteront sur les mesures à prendre pour l'exécution du présent article.

X.

Il sera accordé respectivement aux individus de deux nations la main levée des effets, revenus, biens de quelque genre qu'ils soyent, détenus, saisis ou confisqués à cause de la guerre qui a eu lieu entre Sa Majesté Catholique et la République Françoise, de même qu'une prompte justice à l'égard des créances particuliéres quelconques, que ces individus pourroient avoir dans les états de deux puissances contractantes.

XI.

Todas las communicaciones y correspondencias comerciales se restablecerán entre España y Francia en el pie en que estaban ántes de la presente guerra, hasta que se haga un nuevo tratado de comercio.

Podrán todos los negociantes Españoles volver á tomar y pasar á Francia sus establecimientos de comercio, y formar otros nuevos segun les convenga, sometiéndose como qualquiera individuo á las leyes y usos del pais.

Los negociantes Franceses gozarán de la misma facultad en España baxo las propias condiciones.

XI.

En attendant qu'il soit fait un nouveau traité de commerce entre les parties contractantes, toutes, les communications et rélations commerciales seront rétablies entre l'Espagne et la France sur le pied ou elles étoient avant la présente guerre.

Il sera libre à tous negocians Espagnols de reprendre, et de repaser en France les établissements de commerce, et d'en former de nouveaux, selon leurs convenance en se soumettant comme tous autres individus aux loix et usages du pais.

Les négocians François jouiront de la même faculté en Espagne et aux mêmes conditions.

XII.

Todos los prisioneros hechos respectivamente desde el principio de la guerra, sin consideracion á la diferencia de número y de grados, comprehendidos los marinos ó marineros tomados en navios Españoles y Franceses, ó en otros de qualquiera nacion, como tambien todos los que se han detenido por ambas partes con motivo de la guerra, se restituirán en el término de dos meses á mas tardar despues del cambio de las ratificaciones del presente tratado, sin pretension alguna de una ni otra parte; pero pagando las deudas particulares que puedan haber contraido durante su cautiverio. Se procederá del mismo modo por lo que mira á enfermos y heridos despues de su curacion.

Desde luego se nombrarán comisarios por ambas partes para el cumplimiento de este artículo.

XII.

Tous les prisonniers faits respectivement depuis le commencement de la guerre, sans égard à la différence du nombre et de grade, y compris les marins et matelots pris sur des vaisseaux Espagnols ou François, soit d' autre nation, ainsi qu'en général tous ceux dàtenus de part et d'autre pour cause de la guerre, seront rendus dans l'espace de deux moix au plus tard après l' échange des ratifications du pr - sent traité, sans répetition quelconque de pare ni d'autre, en payant toute fois les dettes particuliéres qu'ils pourroient avoir contractées pendant leur captivité. On en usera de même à l'égard des malades et blessès aussitôt après leur guerison.

Il sera nommé incessamment des commissaires de part et d' autre pour procéder à l'exécution du présent article.

XIII.

Los prisioneros Portugueses que forman parte de las tropas de Portugal, y que han servido en los exércitos y marina de S. M. Católica, serán igualmente comprehendidos en el sobredicho cange.

Se observará la recíproca con os Franceses apresados por las tropas Portuguesas de que se trata.

XIV.

La misma paz, amistad y buena inteligencia estipuladas en el presente tratado entre el Rey de España y la Francia, reynar án entre el Rey de España y la República de las provincias unidas aliadas de la Francesa.

XV.

La República Francesa queriendo dar un testimonio de amistad a S. M. Católica, acepta su mediacion en favor de la Reyna de Portugal, de los Reyes de Nápoles y Cerdeña, del Infante Duque de Parma, y de los demas estados de Italia para que se restablezca la paz entre la República Francesa y cada uno de aquellos príncipes y estados.

XVI.

Conociendo la República Francesa el interes que toma S. M. Católica en la pacificacion general de la Europa, admitirá igualmente sus buenos oficios en favor de las demas potencias beligerantes que se dirijan á él para entrar en negociacion con el Gobierno Frances.

XVII.

El presente tratado no tendrá

XIII.

Les prisonniers Portugais faissant partie des troupes Portugaises qui ont servi avec les armées et sur les vaisseaux de Sa Majesté Catholique, seront également compris dans l'échange susmentionné.

La réciprocité aura lieu à l' égard des François pris par les troupes Portugaises dont il est question.

XIV.

La même paix, amitié et bonne intelligence, stipulée par le présent traité entre le Roi d'Espagne et la France, auront lieu entre le Roi d'Espagne et la Republique des provinces unies alliée de la Rèpublique Françoise.

XV.

La République Françoise voulant donner un témoignage d' amitié à Sa Majesté Catholique, accepte sa médiation en faveur de la Reine de Portugal, du Roi de Naples, du Roi de Sardaigne, de l' Infant Duc de Parme, et autres états de l'Italie pour le rétablissement de la paix entre la République Françoise et chacun de ces princes et états.

XVI.

La République Françoise connoissant l'intérêt que Sa Majesté Catholique prend à la pacification générale de l'Europe, consent également à acouellir ses bons offices en faveur des autres puissances belligerantes, qui s'adresseroient à elle pour entrer en négociation avec le Gouvernement Françoise.

XVII.

Le présent traité n'aura son

efecto hasta que las partes contratantes le hayan ratificado, y las ratificaciones se cambiarán en el término de un mes ó ántes si es posible, contando desde este dia.

En fe de lo qual nosotros los infraescritos plenipotenciarios de S. M. Católica y de la República Francesa hemos firmado en virtud de nuestros plenos poderes el presente tratado de paz y de amistad, y le hemos puesto nuestros sellos respectivos.

Hecho en Basilea, en 22 de Julio, de mil setecientos noventa y cinco. Quatro Thermidor, año tercero de la República Francesa.

[L. S.]
DOMINGO DE YRIARTE.
[L. S.]
FRANCISCO BARTHELEMY.

effet qu'après avoir été ratifié par les parties contractantes, et les ratifications seront échangées dans le terme d'un mois ou plutôt s'il est possible à compter de ce jour.

En foi de quoi nous soussignés plénipotentiaires de Sa Majesté le Roi d'Espagne et de la République Françoise, en vertu de nos pleins pouvoirs avons signé le présent traité de paix et d'amitié, et y avons fait aposer nos sceaux respectifs.

Fait à Bâle, le vingt deux Juillet, mil sept cent quatre vingt quinze, (quatre Thermidor, an troisiéme de la République Françoise.)

[L. S.]
DOMINGO DE YRIARTE.
[L. S.]
FRANCOIS BARTHELEMY.

RATIFICACION DEL REY N. S.

Don Cárlos, por la gracia de Dios, Rey de Castilla, de Leon, de Aragon, de las Dos Sicilias, de Jerusalen, de Navarra, de Granada, de Toledo, de Valencia, de Galicia, de Mallorca, de Sevilla, de Cerdeña, de Córdoba, de Córcega, de Murcia, de Jaen, de los Algarbes, de Algeciras, de Gibraltar, de las islas de Canaria, de las Indias Orientales y Occidentales, islas y tierrafirme del mar océano, Archiduque de Austria; Duque de Borgoña, de Brabante y de Milan; Conde de Abspurg, de Flandes, del Tirol y de Barcelona; Señor de Vizcaya y de Molina, &c., Por quanto en virtud de plenos poderes que conferimos á Don Domingo de Yriarte, caballero de la real y distinguidao orden Española de cárlos III, y nuestro ministro plenipotenciario y enviado extraordinario cerca del Rey y de la República de Polonia, para tratar de ajuste de paz con la República Francesa; y de haberlos esta dado igualmente á Don Francisco Barthelemy, su embaxador en Suiza, han acordado, concluido y firmado en veinte y dos de Julio de este año el tratado definitivo de paz, que se compone de un preámbulo y diez y siete artículos, todo en lengua Francesa, cuyo contenido es del tenor siguiente.

Aqui se insertan los articulos.

Por tanto, habiendo visto y exâminado los referidos diez y siete artículos, he venido en aprobar y ratificar quanto contienen, como en virtud de la presente los apruebo y ratifico, todo en le mejor y mas

amplia forma que puedo, prometiendo en fe y palabra de Rey cumplirlo y observarlo, y hacer que se cumpla y observe enteramente, como si Yo mismo los hubiese firmado. En fe de lo qual mandé despachar la presente firmada de mi mano, sellada con mi sello secreto, y refrendada por el infraescrito mi consejero y primer secretario de éstado y del despacho. Dada en San Ildefonso, á quatro de Agosto, de mil setecientos noventa y cinco.

[L. S.] YO, EL REY.

MANUEL DE GODOY.

RATIFICACION DE LA CONVENCION NACIONAL.

*Décret de la Convention Nationale du quatorzieme jour de Thermidor, l'an troisiéme de la République Françoise une et indivisible.*

La Convention Nationale après avoir entendu le rapport de son comité de salut public, confirme et ratifie le traité passé le quatre Thermidor présent mois, entre le Citoyen François Barthelemy, ambassadeur de la République Françoise près les Cantons Helvétiques, fondé des pouvoirs du comité de salut public, et Don Domingo de Yriarte, chevalier de l'ordre royal de Charles III, ministre plénipotentiaire du Roi d'Espagne.

*Decreto de la Convencion Nacional de primero de Agosto, año tercero de la Republica Francesa una é indivisible.*

La Convencion Nacional, despues de haber oido el informe de su junta de salud pública, confirma y ratifica el tratado ajustado en veinte y dos de Julio último, entre el Ciudadano Francisco Barthelemy, embaxador de la República Francesa cerca del Cuerpo Helvético, por los poderes que para ello tuvo de la referida junta de salud pùblica; y Don Domingo de Yriarte, caballero de la real orden Española de Cárlos III, ministro plenipotenciario del Rey de España.

*Aqui se inserta todo el tratado, y luego concluye:*

Visé par le représentant du peuple, inspecteur aux procés-verbaux.

ENJUBAULT.

Collationné à l'original par nous réprésentans du peuple, président, et secretaires de la Convention Nationale, á Paris, le seize Thermidor de l'an susdit.

MERLIN (de Douai)
*Ex-Président.*
G. F. DENTZEL,
*Secretaire.*
QUIRD, *Secretaire.*

Visto por el representante del pueblo, revisor de las actas de la asamblea.

ENJUBAULT.

Cotejado con el original por nosotros los representantes del pueblo, presidente, y secretarios de la Convencion Nacional. En Paris, à tres de Agosto, de dicho año.

MERLIN (de Douai)
*Ex-Presidente.*
G. S. DENTZEL,
*Secretario.*
QUIRD, *Secretario.*

PLENIPOTENCIA DEL REY N. S.

Don Cárlos, por la gracia de Dios, Rey de Castilla, de Leon, de Aragon, de las Dos Sicilias, de Jerusalen, de Navarra, de Granada, de Toledo, de Valencia, de Galicia, de Mallorca, de Sevilla, de Cerdeña, de Córdoba, de Córcega, de Murcia, de Jaen, de los Algarbes, de Algeciras, de Gibraltar, de las islas de Canaria, de las Indias Orientales y Occidentales, islas y tierrafirme del mar océano, Archiduque de Austria, Duque de Borgoña, de Brabante y de Milan, Conde de Abspurg, de Flándes, del Tirol y de Barcelona, Señor de Vizcaya y de Molina, &c. Por quanto deseando por el bien de la humanidad en general, y especialmente por el de mis amados vasallos terminar la guerra en que contra mis principios pacíficos bien notorios, me ví precisado á tomar parte por las circunstancias extraordinarias occurridas en Francia, y restablecer la amistad y buena correspondencia entre ambos paises; he resuelto para facilita la execution de un negocio tan importante, nombrar una persona en quien concurran las circunstancias necesarias para emprender, seguir y concluir felizmente hasta el punto de mi ratificacion este delicado asunto. Por tanto, y teniendo entera satisfaccion en vos D. Domingo de Yriarte, caballero de la real y distinguida orden Española de Cárlos III, y mi ministro plenipotenciario y enviado extraordinario cerca del Rey y de la República de Polonia, por vuestra capacidad, acreditado zelo y amor á mi servicio; he venido en conferiros pleno poder en la forma mas amplia para que trateis con la persona ó personas autorizadas por el Gobierno Frances del restablecimiento de la paz entre Nosotros y la Francia, y de todos los puntos que tengan conexion ó dependencia con dicho objeto, y arregleis, ajusteis y firmeis qualesquiera artículos, pactos, convenciones ó convenios ventajosos á los intereses de ambos paises que puedan conducir al logro del expresado asunto. En fe de lo qual he hecho expedir la presente firmada de nuestra mano, sellada con nuestra sello secreto, y refrendada por el infraescrito nuestro consejero y primer secretario de éstado. En Madrid, á dos de Julio, de mil setecientos noventa y cinco.

YO, EL REY.

(L. S.)

MANUEL DE GODOY.

PLENIPOTENCIA DE LA JUNTA DE SALUD PUBLICA.

Le comité de salut public de la Convention Nationale de France, chargé par les loix des 7 Fructidor et 30 Ventose derniers, de la direction des relations extérieures, prenant en considération le desir manifesté au nom du Roi d'Espagne de metre fin à la guerre actuelle entre la République Fran-

La junta de salud pública de la Convencion Nacional de Francia, encargada por las leyes del 7 Fructidor y 30 Ventose (*) últimos, de la direccion de los negocios extrangeros, teniendo en consideracion el deseo manifestado en nombre del Rey de España de concluir la guerra con la Re-

(*) Equivalen estas fechas á 24 de Setiembre y 20 Marzo, del Kalendario general.

çoise et le Gouvernement Espagnol au moyen d'une paix solide et durable, et ayant résolu de concourir à cette pacification par tous les moyens qui répondront à la dignité et aux intérêts du peuple François, nome pour ministre plénipotentiaire à l'effet de concourir avec celui qui sera nommé par le Roi d'Espagne, de la manière et en tel lieu qu'il jougera le plus convenable le Citoyen Barthelemy, ambassadeur de la République Françoise en Suisse.

En conséquence il lui donne pleins pouvoirs pour entrer au nom de la République Françoise en négociation avec le plénipotentiaire qui sera délégué à cet effet et dûment autorisé par le Gouvernement Espagnol; et pour traiter des articles de paix conformément aux instructions qui lui ont été adressées par le comité de salut public, le tout jusqu'a la ratification exclusivement.

Donné à Paris au Palais National, le vingt et un Floreal, l'an troisiéme de la République Françoise une et indivisible.

Cambaceres.—Merlin—(d. D.) —Treilhard.—Doulcet.—Rabaut. —Foureroy.—-Vernier.—-Defermont.—Gillet.—Roux.—-Aubry. —Tallien.

( L. S. )

pública Francesa por medio de una pax sólida y durable; y habiendo resuelto concurrir á esta pacificacion por todos los que convienan á la dignidad é intereses del pueblo Frances, nombra por ministro plenipotenciario para que se junte á este efecto con el que se nombre por el Rey de España del modo y en el parage que juzgue él mas conveniente, al Cuidadano Francisco Barthelemy, embaxador de la Repùblica Francesa en Suiza.

En conseqüencia le da plenos poderes para entrar en negociacion en nombre de ella con el plenipotenciario que nombre á este efecto y autorice debidamente el Gobierno Español; y para tratar de los artículos de paz conforme á las instrucciones que le ha dado la junta de salud pública, todo salva la ratificacion del tratado.

Dado en Paris en el Palacio Nacional, el dia veinte y uno del mes Floreal, (*) año tercero de la República Francesa una é indivisible.

Cambaceres.—Merlin—(d. D.) —Treilhard.—Doulcet.—Rabaut. —Fourcroy.—-Vernier.—-Defermont.—Gillet.—Roux.—-Aubry. —Tallien.

(L. S.)

*Certificacion de la publication de la paz, hecha en Madrid, á 5 de Setiembre, de* 1795.

Don Bartolomé Muñoz de Torres, del consejo de S. M., su secretario, escribano de cámara mas antiguo y de gobierno del consejo, y Don Manuel Antonio de Santisteban, tambien del consejo de S. M. su secretario, escribano de cámara y de gobierno del consejo por lo tocante á los Reynos de la corona de Aragon, certificamos que habiéndose juntado como á las quatro de la tarde del dia de hoy en la posado del Excelentísimo Señor Don Felipe Fernandes de Vallejo,

(*) Equivale á 10 de Mayo, 1795.

obispo de Salamanca, gobernador del consejo, los Licenciados Don Francisco Policarpo de Urquijo, Don Joseph Olmeda y Leon, caballero del hábito de Santiago, Don Domingo Antonio de Miranda, Don Sebastian de Torres, Don Luis de Muzquiz y Aldunate, caballero de la real y distinguida orden Española de Cárlos III, y Don Joseph Navarro y Vidal, todos alcaldes de la casa y corte de S. M.; Don Julian Joseph Brochero, Don Pasqual de la Rua, Don Juan Félix de Rujula, y Don Antonio Zazo y Ortega, reyes de armas; y nosotros los dichos Don Bartolomé Muñoz de Torres, y Don Manuel Antonio de Santisteban, entregó S. E. á mí D. Bartolomé Muñoz un papel rubricado de su mano en que se contiene la órden de S. M. para la publicacion del tratado de paz entre esta corona y la nacion Francesa para que le diese al referido Don Julian Joseph Brochero y le leyese al público; cuyo tenor dice así: Oid, oid, oid, como por parte del rey nuestro señor, se hace saber á todos, que á honra y gloria de Dios, y para bien y reposo de la Christiandad, ha creido S. M. conveniente al bien de sus vasallos procurarles la paz con la nacion Francesa, yq ue habiéndola ratificado, se halla en ella, y lo están igualmente todos sus súbditos y dominios con dicha nacion y los suyos: y por medio de esta paz, union y amistad, S. M., sus herederos y sucesores, reynos, súbditos y vasallos, y la nacion Francesa, gozarán de todo lo convenido en este tratado. Y se manda de parte de S. M. á todos sús subditos y vasallos que de aqui adelante cumplan y observen la dicha paz inviolablemente sin contradiccion alguna, pena de ser castigados, como quebrantadores de ella, sin remision ó gracia. Y en execucion de la órden antecedente salimos de la posada de dicho excelentísimo señor gobernador del consejo, yendo trompetas y atabales, siguiendo gran número de alguaciles de la casa y corte de S. M., nosotros los infraescritos sus secretarios y escribanos de cámara, los reyes de armas, y alcaldes que quedan expresados, en cuya forma se fué á la plazuela del real palacio, y frente del balcon de S. M. estaba formado para este efecto un tablado, al que subiéron los citados alcaldes, reyes de armas y nosotros, y estando en él entregué yo Don Bartolomé Muñoz de Torres al Rey de Armas Don Julian Joseph Brochero el papel que recibí de mano de S. E., cuya copia es la que queda inserta, y habiéndole tomado le leyó y publicó en altas é inteligibles voces, habiéndose tocado al principio y fin de la publicacion trompetas y atabales; desde cuyo sitio se pasó á la inmediacion de la Iglesia parroquial de Santa María de la Almudena, y se hizo otra publicacion; y tambien se executó otra en la propia forma en la puerta de Guadalaxara donde está el tráfico y comercio en otros tablados alfombrados, y todos tres con sus doseles y retratos de S. M.; á todo lo qual concurrió gran número de gente, de que certificamos, y lo firmamos para que así conste en Madrid, á cinco de Setiembre, de mil setecientos noventa y cinco.

DON BARTOLEME MUNOZ,
DON ANTONIO DE SANTISBAN.

Es copia de la certificacion original que se pasó al archivo del consejo, de que certifico yo, Don Bartolomé Muñoz de Torres, del consejo

de S. M., su secretario, escribano de cámara mas antiguo de gobierno del consejo; y para que conste lo firmo en Madrid, á cinco de Setiembre, de mil setecientos noventa y cinco.

DON BARTOLOME MUNOZ.

B No. 17.

Don Juan Ventura Morales, contador principal de exercito y real hacienda de las provincias de la Luisiana y Florida Occidental, intendente interino, y superintendente-general, sub-delegado de las mismas, juez de arribadas, de tierras, y solares realengos, &c.

Don Jean Bonaventure Morales, contador principal d'armée et finances des provinces de la Louisiane et Floride Occidentale, intendant par intérim et sub-déléguè de la surintendance générale, d'icelles, juge de l'armirauté, des terres et terrains du domaine, &c.

Habiendose dignado el Rey, que Dios guarde, declarar y mandar por su real orden expedida en San Lorenzo, en 22 de Octubre del año passado de 1798, que la intendencia de estas provincias se reintegre, y sea privativo de ella, con inhibicion de otra autoridad, el privilegio de repartir, y conceder toda clase de tierras realengas, que por real determinacion de 24 de Agosto de 1770 estaba radicado en el gobierno politico y militar; y deseando desempeñar este importante encargo, no solo con arreglo á el articulo 81 de la real ordenanza de intendentes de Nueva España, real instruccion del año de 1754, citada en el primero, y leyes de la materia, sino tambien con presencia de las circunstancias locales, y de lo que, sin defatender los reales intereses, pueda contribuir al fomento y mayor bien de los vasallos de S. M. establecidos, ó que lleguen a establecerse en esta parte de los dominios del Rey: despues de habér exâminado con la mayor atencion la instruccion que formó el Exmo. Sr. Conde de O'Reylly en 18 de Febrero de 1770, la circulado por el actual Sr. Goberna-

Le Roi, que Dieu conserve, ayant daigné déclarer et ordonner, par arrêt rendu à San Lorenzo, le 22 Octobre, de l'année dernière 1798, que l'intendance de ces provinces, à l'exclusion de toute autre autorité, soit remise en possession du privilege de répartir et concéder toute espece de terres appartenantes à sa couronne, le quel droit, d'après son ordre du 24 Août, 1770, dépendait du gouvernment civil et militaire; et desirant remplir cette charge importante, non-seulement suivant l'article 81 de l'ordonnance des intendans de la Nouvelle Espagne, le reglement de l'année 1754, cité dans le dit article, et les lois à ce relatives, mais aussi eu égard aux circonstances locales, et à ce qui peut, sans nuire aux intérêts du Roi, contribuer à l'encouragement et au plus grand bien de ses sujets établis, ou qui pourront s'établir dans cette partie de ses possessions: aprés avoir examiné avec la plus grande attention le reglement fait par son excellence M. le Comte d'O'Reylly, le 18 Février, 1770, celui qu'à fait circuler M. le gouverneur actuel, Don Manuel Gayoso de Lemos,

dor Don Manuel Gayosa de Lemos en 1 de Enero de 1798, y lo que sobre el particular me han consultado, é informade, el Sr. Don Manuel Serrano, asesor de la intendencia, y otras personas instruidas en estos puntos: para que todos y cado uno de los que aspiren á obtener tierras sepan el modo con que deben solicitarlas, y las sujeciones con que podrain concederse y venderse; los que las poseen sin los requisitos necesarios, lo que deberán practicar para conseguir su composicion; los sres. comandantes, como sub-delegados de la intendencia, lo que será su obligacion; el agrimensor general de esta ciudad, y los particulares dependientes de él, las formalidades, con que han de efectuar él apeo, ó medida de las tierras, ó solares que se concedan, vendan, ó compongan: el escribano de real hacienda los derechos que se le declarán, y la obligacion en que se le constituye, con todo lo demas que sea conducente al mejor logro de objeto de tanta entidad y conseqüencia, como es en si la seguridad de las propiedades: con reserva de aumentár, viriar, ó revocar lo que el tiempo y las circunstancias hagan conocer será mas util y ventajoso al sin de las beneficas intenciones de S. M. he determinado se observen las reglas explicadas en los articulos siguientes.

ARTICULO PRIMERO.

A cada familia nueva en la que concurran las circunstancias necesarias para ser admitida en clase de pobladora de estas provincias,

le premier Janvier, 1798, et les avis que m'ont donnés à cet égard M. Don Manuel Serrano, assesseur de l'intendance, et autres personnes versées dans cette partie; pour que tous ceux qui désirent obtenir des terres, sachent de quelle manière ils doivent les solliciter, et les conditions aux quelles elles pourront leur étre accordées ou vendues; que ceux qui en possédent, sans les titres nécessaries, connaissent les démarches qu'ils devront faire pour en venir à un arrangement; que MM. les commandans, comme sub-délégués de l'intendance, soient informés de ce qu'ils auront à observer; que l'arpenteur général de cette capitale, et les arpenteurs particuliers qui dépendent de lui, soient instruits des formalités avec lesquelles ils devront faire l'arpentage des terres, ou terrains, qui seront concédés, vendus, ou laissés par arrangement; que le greffier des finances connaisse les honoraires qui lui sont assignés et les devoirs qu'il aura à remplir, et que l'on n'ignore aucune des choses qui peuvent tendre au plus grand avantage d'un objet aussi important que l'est en soi-même la sûreté des propriétés; sous la réserve d'augmenter, changer ou révoquer ce que le tems et les circonstances pourront faire reconnaitre plus utile et plus propre à conduire au but vers lequel se dirigent les intentions bienfaisantes de S. M. j'ai résolu que l'on observe les régles expliquées dans les articles suivans.

ARTICLE PREMIER.

A chaque famille nouvelle, qui réunira les circonstances nécessaires pour etre admise au nombre des cultivateurs de ces provinces,

y que haya obtenido permiso del gobierno para establecerse en el parage donde le convenga hacerlo, se le concederan por una vez, si es en las orillas del Misisipy, quartro, seis, ú ocho arpanes de frente al rio con la profundidad ordinaria de quarenta, y si es en otro parage, la cantidad que se considere podra ponér en labor, y necesitar para pasto de sus animales, con proporcion al numero de personas de que se componga lá familia; bien entendido que nunca deberá excedèr la concession de ochocientos arpanes du superficie.

II.

Para obtenér dichas concessiones, si es en la Capital donde hicieren sus solicitudes, deberan acompañar el permiso que hayan obtenido del sr. gobernador para establecerse en el parage que les convenga, y si fuere en los puestos, los sres. comandantes, al tiempo de informar hallarse vacantes, y pertenecer al dominio las tierras que se piden, agregaran que él pretendiente ha conseguido permiso del gobierno para establecerse, citando la fecha del aviso, ó carta por la que se haya verificado.

III.

Los que obtengan concessiones en las orillas del rio deberán hacer en el primer año de su posession, malecones suficientes para contener el deramen de las aguas, y los canales necesarios para dár salida á las que se filtran mientras el rio permanece alto: á demás harán y conseva-

et qui aura obtenu la permission du gouvernement pour s'établir dans le lieu dont elle aura fait choix, on concèdera, pour une sois, si c'est sur les bords du Mississipi, quatre, six ou huit arpens de face au fleuve, sur la profondeur ordinaire de quarante, et si c'est dans quelqu'autre endroit, la quantité qu'on la jugera capable de mettre en culture, et qu'on croira lui être nécessaire pour le pâturage de ses bestiaux, à proportion du nombre de Personnes dont sera composée la famille, bien entendu que la concession ne devra jamais excéder huit cens arpens de superficie.

II.

Pour obtenir les dites concessions, si c'est à la capitale qu'on se présente pour solliciter, on devra joindre à la requête la permission qu'on aura obtenue de M. le gouverneur pour s'établir dans le lieu que l'on jugera convenable, et si c'est dans les postes, MM. les commandans, en mêmetems qu'ils informeront que les terres demandées sont vacantes et appartiennent au domaine, ajoureront que le prétendant a obtenu la permission du gouvernement pour s'établir, en citant la date de la lettre ou avis qu'ils en auront reçu.

III.

Ceux qui obtiendront des concessions sur les rives du fleuve, devront faire, dans la première année de possession, des levées suffisantes pour empêcher le débordement des eaux, et les canaux nécessaires pour l'écoulement de celles qui filtrent, pendant que le fleuve est haut: ils seront

rian en buen estado el camino real, el qual debera ser á lo menos, de treinta pies de ancho, con puentes de quince pies sobre las canales ó fosos que lo corten, y lo mismo, siguiendo el uso de los respectivos distritos, executarán los agraciados de tierras en qualquiera parage donde se les concedan, ó repartan.

IV.

Sera igualmente obligacion de los nuevos pobladores, que hayan obtenido tierras, desmonta, y poner en labor en el preciso termino de tres años toda la frente de sur concesion, y lo menos dos arpanes de profundidad: baxo la pena, si asi no lo hicieren, de que las tierras concedidas se reuniran al dominio real. Los sres. comandantes, y sindicos zelaran se cumpla con exâctitud lo prevenido en este y el anterior articulo, avisando oportunamente á la intendencia de lo que advirtieren, baxo el supuesto que de no executarlo serán responsables á S. M.

V.

Si una tierra perteneciente á menores estubiere por desmontar en él todo, ó on la parte que debe executarse, y su malecon, camino, canalisos, y puentes sin hacer, ó reparar, el commandante, ó sindico del distrito averiguará la procedencia de la falta, y si fuere del tutor, ó curador lo estrechará al cumplimiento, dando cuenta de su omision si la tubiere, pero si el descuido proviniese de que los menores carezcan de medios con

tenus, de plus, à faire et entretnir en bon état le chemin royal, lequel devra être, au moins, de trente pieds de large, and avoir des ponts de quinze pieds sur les canaux, ou fosses, qui le traversent; les mêmes règles devront être observées, suivant les usages de leurs districts respectifs, par tous les concessionnaires de terres, dans tel endroit qu'ils les ayent obtenues.

IV.

Les nouveaux colons, qui auront obtenu des terres, seront également obligés à defricher et mettre en culture, dans le terme précis de trois années, toute la face de leurs concessions sur la profondeur de deux arpens au moins, sous pene que les terres concédées retournent au domaine, s'ils ne remplissent pas cette condition. MM. les commandans et les syndics veilleront à ce que l'on observe exactement ce qui est enjoint dans cet article et dans le précédent, et informeront à tems l'intendance de ce qu'ils pourront remarquer, bienentendu qu'a faute de ce faire, ils seront responsables envers S. M.

V.

Si une terre appartenante à des mineurs restait sans être défrichée entierement, ou autant qu'il est ordonné, et que sa levée, son chemin, ses canaux et ses ponts ne se sissent point, le commandant ou syndic du district vérifiera d'où provient la faute, et si c'est du tuteur ou curateur, le pressera de se mettre en règle, et s'il y manque, en rendra compte; mais si la faute provenait de ce que les mineurs n'essent point les moy-

que subvenir á los gastos, el comandante, ó sindico hara sumaria informacion, y la remitirá á la intendencia para que disponga la venta de la tierra en favor de los menores, unicos á quien se concede este privilegio, si en el termino de seis meses se encuentra comprador. Sino, se concederá graciosamente al que la solicitaire, ó se venderá á beneficio de la real hacienda.

VI.

En los prefixados tres años no podá ningun agraciado vender ni enagenar las tierras que se le hayan concedido, ni aun despues, si há faltado al cumplimiento de las condiciones explicadas en los articulos anteriores, y para evitar abusos y sorpresas en este particular, se regulará nula, de ningun valor ni efecto la venta de las tierras repartidas á que no haya precedido la licencia por escrito de esta intendencia, la qual no la concederá sin hacer antes él mas prolixo exámen sobre si se hallan, ó no cumplidas las condiciones.

VII.

Se considera asimismo de la mayor utilidad parra evitar en lo sucesivo pleytos y confusions, iguales á las que se estan tocando diariamente, que los escribanos de esta capital, y los sres. comandantes de los puestos no otorguen escrituras de venta de tierras obtenidas por concesion, sin que los vendedores exhiban, y entreguen al comprador, el titulo en forma que se les haya proveido, teniendo ademas el cuidado de insertar en la escritura el numero

ens de subvenir á cette dépense, le commandant, ou syndic, en dressera une information sommaire qu'il enverra à l'intendance, afin qu'elle ordonne la vente de la terre au profit des mineurs, seuls à qui on accorde ce privilège, si dans le terme de six mois, il se présente quelqu'acquéreur; sinon, elle sera concédée gratis à celui qui la demandera, ou sera vendue au profit du fisc.

VI.

Pendant les susdites trois années, aucun consessionnaire ne pourra vendre ni aliéner les terres qui lui auront été accordées; il ne le pourra pas même après ce terme, s'il a manqué à remplir les conditions expliquées dans les articles précédens, et afin d'eviter en cela les abus et les surprises, on déclarera nulle et de nul effet et valeu toute vente de terres concédées qui se ferra sans avoir obtenu préalablement de cette intendance une permission par écrit, qui ne sera accordée qu'après qu'on aura examiné avec la plus scrupuleuse attention si les conditions ont ou n'ont pas été remplies.

VII.

Pour éviter, à l'avenir, les procès et la confusion dont nous avons tous les jours des exemples, on a également jugé très utile que les notaires de cette capitale et MM. les commandans des postes ne passent aucun acte de vente de terres obtenus par concession, sans que le vendeur presente & remette à l'acquéreur le titre en forme qui lui aura été expédié, ayant de plus le soin de faire mention dans l'acte du nombre fixe d'arpens, des tenans et aboutis-

fixo de arpanes, sur linderos, y demas circunstancias que resulten del titulo, y del apeo del agrimensor, que debe accompañarle.

VIII.

En caso de que por la poca profundidad que suelen tener las puntas que forman las tierras sobre el rio, no pueda concederse á los que se establezcan en ellas, la ordinaria de quarenta arpanes, se les indemnizará dandoles más frente, ó si no hubiese quien las solicite por concesion, ó compra, se repartiran proporcionalmente á los circunvecinos, para que reparen las malecones, caminos, y puentes, en la forma que va prevenida.

IX.

Aunque el Rey se desprenda de las tierras que se vendan, repartan, ó concedan, en su real nombre, dehen tenor entendido los agraciados, y los compradores, conserva S. M. el derecho de sacar de los montes, conocidos aqui bajo el nombre de ciprieras, todas las maderas que puedan convenir á objetos de su real servicio, y principalmente para el de sus esquadras, en los mismos terminos, y conigual libertad para los asentistas, que la que hasta ahora disfrutaron, sin que por ello se crean autorizados á sacar más árboles de los que necesiten, ni á aprovecharse, dividiendolos, de los que hayan abatido, y no sean à proposito para arboladura.

X.

En los puestos de Opelousas,

sans et autres particularités qui resulteront du titre et du procès-verbal d'arpentage qui devra y etre joint.

VIII.

Dans le cas où le peu de profondeur qu'ont généralement les pointes que forment les terres sur les bord du fleuve, empêcherait de concéder à ceux qui pourront s'y établir, celle de quarante arpens, suivant l'usage, on leur donnera en compensation une face plus étendue ; ou s'il ne se trouvait personne qui en sollicitât la concession ou l'achat, elles seront réparties proportionnellement entre les habitans voisins, pour qu'ils en reparent les levées chemins et ponts, ainsi qu'il est ci-dessus prescrit.

IX.

Quoique le Roi renonce à la possession des terres qui se vendent, distribuent ou concédent en son nom, les concessionnaires et acquéreus doivent étre prévenus que S. M. se réserve le droit de tirer des forets, connues ici sous le nom de cypriéres, tous les bois qui pourrent convenir à des objets de son service, et surtout ceux dont sa marine aura besoin ; et ce de la même manière et avec la même liberté pour les entrepreneurs que celle dont ils ont joui jusqu'a ce jour, sans que pour cela ils doivent se croire autorises à exploiter plus de bois qu'il ne leur sera nécessaire, ni a faire usage, en les sendant, de ceux qu'ils auraient abattus, et qui se trouveraient n'étre point propres à la màture.

X.

Dans les postes des Opelousas et

y Atacapas, no se repartiran tierras en mayor cantidad que una legua de frente y otra de profundidad, pudiendo aumentarse la primera á media legua mas, quando la ultima no pase de quarenta arpanes, estableciendose por regla general que para obtener en dichos puestos media legua de frente con igual profundidad, há de acreditar el pretendiente la propriedad de cien cabezas de ganado mayor, algunos caballos, carneros, y dos esclavos, y proporcionalmente para mayor cantidad, sin que no obstante pueda exceder de la prefixada.

XI.

En quanto sea posible y lo permita el local se procurará que entre las concessiones no queden intervalos; pues es mui conveniente la union de los establecimientos, asi para que los habitantes se auxilien mutuamente, como para facilitar la administracion de justica, y observancia de las reglas de policia indispensables en todas partes, y con particularidad en los nuevos establecimientos.

XII.

Si no obstante la anterior prevencion, por lo pantanoso de las tierras, ú otro motivo, fuere indispensable dexar algunas sin conceder, zelerán los comandantes, y sindicos, que solo los habitantes del distrito puedan sacar de ellas la leña que unicamente necesiten para su consumo; bien entendido que si se excedieren, ó qualquiera de otro puesto se introduxese á

Atakapas, la plus grande quantita de terres que l'on concédera sera d'une lieue de face sur autant de profondeur, et lorsque celle-ci n'aura pas plus de quarante arpens, on pourra donner à la face une demi-lieue de plus: pour régle générale il est établi que pour obtenir dans les dits postes une demilieue de face sur une profondeur égale, il faudra que le prétendant prouve étre propriétaire de cent tètes de bétes á corne, quelques chevaux et moutons et deux esclaves, y ainsi en proportion pour une plus grande quantité, sans que cependant l'on puisse excéder celle ci-dessus déterminée.

XI.

Autant qu'il sera possible et que le local le permettra, on tachera de ne point laisser d'intervalle entre les concessions, paree qu'il est trés-avantageus que les établissemens se touchent, tant por que les habitans puissent se prèter des secours mutuels, que pour la plus facile administration de la justice et l'observation des réglemens de police indispensables en tous lieux, mais plus que partout ailleurs dans les nouveaux établissemens.

XII.

Si malgré ce qui est ci-dessus prescrit, des marécages ou d'autres causes mettaient dans la nécéssité de la isser quelques terres vacantes, les commandans et syndics veilleront à ce que les habitans du district seuls puissent en tirer le bois de chauffage dont ils auront besoin pour leur consommation seulement, bien entendu que s'ils en tiraient davantage, ou que si

hacer corte de arboles, ó sacar leña sin haber obtenido permiso de esta intendencia, á más de indemnizár á la real hacienda del daño que hayan hecho, pagaran por la primera vez veinte y cinco pesos de multa, por la segunda doble, y por la tercera seran castigados con prision segun la entidad del caso, debiendo distribuirse las multas que se exìjan con dicho motivo, entre el fisco, juez, y denunciador.

XIII.

Al nuevo poblador que haya obtenido concesion de tierras en un establecimiento, no se le repartiran en otro, sin que haga constar haber poseido las primeras tres años, y cumplido con las condiciones que van prescriptas.

XIV.

Por las mudanzas que ocasiona la corriente del rio, suele suceder que parte de una concesion se inutiliza, con cuyo motivo hay exemplar de que los propietarios pretenden abandonar, y que se reuna al dominio la porcion en que es mas costoso mantener el malecon, caminos, canalizos, &c., conservando lo bueno, y como de no poner remedio á este abuso, podrian resultar graves daños á los circunvecionos, se declara no se admitirá por parte de la real hacienda el abandono, ó reunion al dominio de ninguna porcion de tierra de que pretendan desprenderse los propietarios, sin que se verifique en el todo del espacio que abraze la concesion ó escri-

quelqu'individu d'un autre poste venait y exploiter des bois ou couper du bois de chauffage, sans en avoir obtenu la permission de cette intendance, outre l'indemnité qu'il sera tenu de payer au fisc pour le dommage qu'il aura pu faire, il sera condamné pour la premiére soisà vingt-cinq piastres d'amende, pour la seconde fois à une amende double, et pour la troisième puni de prison, suivant que le cas sera plus ou moins grave; les dites amendes seront partagées entre le fisc, le juge, et le dénonciateur.

XIII.

Le nouveau colon à qui l'on aura accordé des terres dans un établissement ne pourra en obtenir dans un autre, sans avoir prouvé préalablement qu'il ait possédé les premières pendant trois ans, et rempli les conditions ci-dessus prescrites.

XIV.

Les changemens qu'occasionne le courant du fleuve sont souvent cause qu'une partie de concession devient inutile; de sorte que nous avons des exemples que des propriétaires prétendent abandonner et faire réunir en domaine la partie la plus coûteuse pour l'entretien de la levée, des chemins, des canaux, &c., et veulent se réserver seulement ce qu'il y a de bon; et vû que si l'on n'apportait point remede à cet abus, il pourrait en résulter le plus grand mal pour les voisins, on déclare que le fisc n'admetra l'abandon, ou réunion au domaine, d'aucune portion de terre dont le propriétaire voudra se désaire, à moins que cet abandon ne comprenne tout l'espace

tura que lo constituya dueño de lo que solicite abandonar.

XV.

Todas las concesiones serán dadas á nombre del Rey, por el intendente general de esta provincia, quien mandará que el agrimensor general, ó el particular que este nombre, haga la medida, y demarcacion de la tierra, fixando los linderos, no solo en la frente, sino tambien en la profundidad, debiendo hallarse presente á este acto el comandante, ó sindico del distrito, y dos de los vecinos colindantes, cuyos quatro individuos firmarán la diligencia de apeo que practique el agrimensor.

XVI.

La referida diligencia con una copia certificada de ella, se pasará á la intendencia por el agrimensor para que en vista de la original se expida con audiencia del sor. fiscal el correspondiente titulo. A este se acumulará la copia certificada que ha de dar el agrimensor: el original quedará archibado en la escribania de real hacienda, teniendo cuidado de forma anualmente libro de quantas se pasen á ella, con su indice alfabetico para el mas facil uso en los casos necesarios; y á mayor abundamiento, para que en todo tiempo, y en qualquier evento, se hallen las noticias que puedan necesitarse, el agrimensor llevará otro libro foliado, donde sentará las diligencias de apeo que practique, anotando en la original que ha de archibarse en la escribania, y en la copia que ha de acumularse al titulo, el folio del libro en

rensermé dans la concession ou acte, en virtu du qu'el il aura eu la propriété de la terre qu'il voudra abandonner.

XV.

Toutes les concessions seront données, au nom du Roi, par l'intendant général de cette province, qui ordonnera à l'arpenteur général, ou au particulier nommé par lui, de faire l'arpentage et démarcation de la terre, en fixant les limites, non-seulement sur la face, mais aussi sur la profondeur; cette operation devra se faire en présence du commandant ou syndic du district et des deux habitans voisins, et ces quatre signeront le procés-verbal qui en sera dressé par l'arpenteur.

XVI.

Le susdit procés-verbal, avec une copie certifiée du même, sera envoyé par l'arpenteur à l'intendance, afin que sur l'original on expédie, d'accord avec M. le procureur du Roi, le titre convenable. On joindra à celui-ci la copie certifiée qu'aura du remettre l'arpenteur: l'original restera déposé dans les archives du greffe des finances, et l'on aura soin de former annuellement un livre de tous ceux que l'on y enverra, avec sa liste alphabetique pour en faciliter l'usage lorsqu'on sera dans le cas d'y avoir recours: et pour plus grande sureté, et afin que dans tous les tems et malgré les évènemens, on puisse trouver les renseignemens dont on aura besoin, l'arpenteur aura aussi un autre livre numéroté, dans lequel il enregistrera les procés-verbaux d'arpentage qu'il sera, et tant sur l'original qui devra rester déposé au

que há registrado el plano figurativo de la medida.

XVII.

En la escribania de real hacienda habrá asimismo otro libro foliado donde se anotarán, y quedaran registrados, los titulos de concession que se den graciosamente, en los quales, á más de las clausulas de estilo, se citará el folio del libro en que queda sentado, y agregará la circunstancia de que se tome razon en la contaduria principal de exército y real hacienda de esta proviucia, sin la qual quedará nulo. La contaduria llevará otro libro igual al que se ha prevenido para la escribania, y al tiempo de tomar la razon expresará el folio en que queda sentado.

XVIII.

Tiene acreditado la experencia que mochos de los que pretendieron tierras, se consideraron legitimos poseedores con solo el primer decreto en que se mandó al agrimensor verificase la medida y los posesionase. Otros, aúnque sa haya efectuado el deslinde, omitieron ocurrior por el titulo de propiedad, y como la continuacion de semejantes abusos aumentaria la confusion y el desorden que de ello debe resultar, se declára: que ninguno que obtenga dichos decretos, aúnque en virtud de ellos se haya efectuado el deslinde, y aún puesto en posesion, podrá considerarse dueño de las tierras, mientras no se haya despachado el titulo enforma con todas los requisitos que van relacionados.

greffe, que sur la copie destinée à être jointe au titre, il notera le folio du livre dans lequel il aura enregistré le plan figuratis d'arpentage.

XVII.

Dans le gresse des finances il y aura également un autre livre numéroté, ou s'enregistreront les titres de concessions gratuites, dans les quels, outre les clauses ordinaires, on sera mention du folio du livre où ils seront transcrits; il faudra de plus qu'il en soit pris note dans la contadorerie, ou chambre des comptes, des armées et finances, et ce sous peine de nullité. La chambre des comptes aura un autre livre semblable à celui dont il vient d'être question pour le greffe, et au moment de prendre la note, citera le folio du livre où elle s'enregistrera.

XVIII.

L'expérience a prouvé qu'un grand nombre de ceux qui ont demandé des terres, s'en sont crus possesseurs légitimes, dès qu'ils ont obtenu le premier décret par lequel on ordonnait à l'arpenteur de les leur mesurer, et de les en mettre en possession : d'autres, après que l'arpentage a été fait, ont négligé de solliciter le titre de propriété ; et comme de pareils abus, en durant plus long-tems, augmenteraient la confusion et désordre qui en résultent nécessairement, on déclare qu'aucun de ceux qui ont obtenu les susdits décrets, malgré qu'en vertu d'iceux l'arpentage ait eu lieu, et qu'ils ayent été mis en possession, ne pourra se regarder comme propriétaire desdites terres, jusqu'a ce qu'on lui ait expédié le titre réel, revetu de toutes les formalités ci-dessus rapportées.

XIX.

Todos los que posean tierras con titulo formal de los sres. gobernadores de esta provincia desde el tiempo de la dominacion Española, y los que las tenian del tiempo de la Francesa, no serán inquietados: al contrario se les amparará, y mantendrá en el dominio de ellas.

XIX.

Tous ceux qui possedènt des terres en vertu de titres formels, donnés par MM. les gouverneurs de cette province, depuis l'époque où elle a passé sous la domination Espagnole, et ceux qui les possédaient dans le tems qu'elle appartenait à la France, bien loin d'être inquiétés, seront au contraire protégés et maintenus dans leurs possessions.

XX.

Los que sin el titulo, ó posesion que refiere el anterior articulo estubieren ocupando tierras, serán expelidos de ellas, como que pertenecen al real dominio; pero si la ocupacion suere de mas de diez años, se admitirán los que se juzgan dueños á composicion: es decir, que no se les privará de dichas tierras, siempre que por medio de un proceso fumario, con citacion y audiencia del sor. fiscal de real hacienda, se obliguen á contribuir un moderado y equitativo precio, calculado segun la porcion, parage y demás circunstancias; y hecho el pago en caxas reales de la estimacion, se les despacharán los titulos de propiedad, con referencia á lo que resultaré del proceso.

XX.

Ceux qui, sans le titre, ou possession, mentionnés en l'article précédent, se trouveraient occuper des terres, en seront chasses comme de biens appartenans à la couronne; mais s'ils les avaient occupé plus de dix ans, on admettra à un accommodement ceux que l'on regardera comme propriétaires, c'est-à-dire, qu'on ne les privera point des dites terres, toutefois que d'après une information ou procédure sommaire, et avec l'intervention de M. le procureur du Roi au bureau des finances, ils s'obligeront à payer une rétribution juste et moderée calculée suivant l'éntendue des terres, leur situation et autres circonstances: et le prix de l'estimation une fois versé dans le trésor royal, on leur expédiera les titres de propriété, en se référant à ce qui aura résulté de la procédure.

XXI.

Los que se hallen en el caso que expresa el articulo 18, sino hubieren desmontado, ni hecho trabajo alguno en las tierras de que se consideraban dueños en virtud del primer decreto del gobierno, no siendo de los admitidos

XXI.

Ceux qui trouvent dans le cas exprimé dans l'article 18, s'ils n'ont fait aucuns defrichemens, ni aucuns travaux, sur les terres dont ils se regardaient comme proprietaires, en vertu du premier décret du gouvernement, n'étant point

en clase de nuevos pobladores, quedarán sin ellas, ó se admitirán á composicion, en el modo y forma explicida en el articulo precedente; pero siendo de dicha clase, se atendrán á lo que se previene en el siguiente.

XXII.

En el preciso y perentorio termino de seis meses contados desde el dia en que se publique esta instruccion en cada puesto, deberán todos los que ocuparen tierras sin titulos de los sres. gobernadores; y los que habiendolo tenido para cierto numero de arpanes, se hubiesen extendido á posesionarse de más á manifestarlas, ya para despacharles el titulo, si hubiere motiva para hacerlo; ya para admitirlos á composicion; ó ya para declararlas por pertenecientes al dominio, sino hubiesen pasado los diez años de ocupacion; bien entendido que si complido dicho termino se supiere por otra via, no tendrá lugár, ni el despacho del titulo, ni la composicion.

XXIII.

Al que denunciare tierras ocupadas, despues del termino fixado en el articulo antecedente se le dará por recompensa la quarta parte del valor en que se vendan, ó compongan, y si le convinieren, tendrá la preferencia para ser admitido á composicion por el precio en que fueren estimadas, con la rebaxa de la quarta parte correspondiente á la denuncia.

XXIV.

No siendo posible por las circ-

classe des nouveaux colons, en seront privés, ou seront admis à un accommodement, en la forme expliquée dans l'article précédent. Si au contraire ils sont de la dite classe, ils observeront ce qui est ordonné dans l'article suivant.

XXII.

Dans le terme précis et péremptoire de six mois, à compter du jour où le présent règlement sera publié dans chaque poste, tous ceux qui occupent des terres sans titres de MM. les gouverneurs, et ceux qui, en avant obtenu pour un certain nombre d'arpens, se seraient emparé d'une plus grande quantité, devront les donner à connaître, soit pour leur expédier le titre, s'il y a lieu, soit pour les admettre à un accommodement, ou soit pour déclarer les dites terres appartenantes au domaine, s'ils ne les ont pas occupé plus de dix ans: bien entendu que passé le dit terme, si l'on en est instruit par d'autres voies, ils n'obtiendront plus ni le titre, ni l'accommodement.

XXIII.

Celui qui dénoncera des terres occupées, après l'expiration du terme fixé dans l'article précédent, aura pour récompense le quart du prix pour le quel elles seront vendues, ou cédées par voie d'accommodement; et si elles lui conviennent à lui-même, il auro la préférence pour les acquérir par accommodement au prix qu'elles seront estimées, et on lui sera la déduction de la quatrième partie qui lui reviendra comme dénonciateur.

XXIV.

Comme il est impossible, vû

cunstancias locales de estas provincias, que todas las tierras realengas que hay vacantes se vendan á vela y pregon, segun lo manda la ley 15. tit. 12., libro 4. de la Recopilacion de estos Reynos, se efectuará á medida que se soliciten, en el précio en que sean tasadas con citacion del sor. fiscal de real hacienda las porsiones que se pretendan comprar: cien entendido que si los compradores no tubieren dinero para efectuar el pago, se admitirá impongan el précio sobre las mismas tierras á censo al quitar, contribuyendo en el interin anualmente cinco por ciento.

XXV.

A mas del moderado précio en que debens ser tasadas las tierras, será obligacion de los compradores satisfacer de contado el real derecho de media-annata y conducion á España, que segun practica de la Havana, fundada en leyes, se reduce al dos y medio por ciento del importe de la estimacion, y el 18 por 100 de la suma á que ascienda el dicho dos y medio por ciento; é igualmente pagarán de contado los derechos del agrimensor, y del escribano.

XXVI.

La venta de tierras se executará con las mismas cargas y condiciones de malecones, caminos, fosos, y puentes, explicadas en los articulos precedentes; pero no sufrirán la pena de perderlas, si en los tres años primeros no las hubiesen cumplido los compradores, obligandoseles por los comandantes y sindicos á que lo efectuen en un término competente; y en caso de resistencia se harán dichas obras a su costa.

les circonstances locales de ces provinces, que toutes les terres vacantes du domaine soient vendues à l'encan ainsi que l'ordonne la loi 15^me^. titre 12^me^. livre 4^me^. du recueil des Lois de ces Royaumes, on en fera la vente à mesure qu'on les demandera, avec l'intervention de M. le procureur du Roi au bureau des finances, pour le prix au quel seront taxées celles qu'on voudra acheter; bien entendu que si les acheteurs n'avaient point d'argent pour les payer, il leur sera loisible d'acheter les dites terre s à cens amortissable, pendant le quel ils payeront le cinq pour cent par an.

XXV.

Outre le prix modéré au quel devront étre taxées les terres, les acheteurs seront tenus de payer comptant le droit de *media annata*, ou demi-année, et de remise en Espagne, le quel, suivant l'usage de la Havane fondé en loi, se réduit a deux et demi pour cent du prix de l'estimation, et dix-huit pour cent de la somme à la quelle monte le dit deux et demi pour cent: ils auront également à payer comprant les honoraires de l'arpenteur et du notaire.

XXVI.

La venta des terres se sera aux mêmes conditions et charges des levées, chemins, fossés et ponts, expliquées dans les articles précédens; mais les acquéreurs ne seront pas sujets à les perdre, si dans les trois premieres années ils n'ont pas rempli les dites clauses; les commandans et syndics les obligeront à se mettre en regle dans un espace de tems raisonnable, et s'ils n'obéissent pas, on sera faire les dits travaux a leurs frais.

XXVII.

Se procurara en dichas ventas lo mismo que va expresado en el articulo 11, pues es muy util y conveniente la union ó cercania de los establecimientos en quanto pueda verificarse.

XXVIII.

Los titulos de propiedad de las tierras que se vendan ó admitan á composicion serán despachados por el intendente general, y legalizados por el escribano de real hacienda, el que, despues que conste el entero en caxa del valor en que hayan sido estimadas, y de la media annata, ó la imposicion del primero, los extenderá con referencia á lo que resulte del proceso sumario substanciado con citacion y audiencia del sor. fiscal.

XXIX.

Se archivara dicho proceso en la escribania de real hacienda, y el titulo quedará registrado en otro libro que habrá para anotar de venta y composicion de tierras, del mismo modo que se ha prevenido en el articulo 17 para los de concesiones de gracia; debiendo en la contaduria principal llevarse tambien en libro distinto la toma de razon de los titulos que se expidan por venta, y composicion.

XXX.

Los derechos del agrimensor en todos los casos que abraza esta instruccion serán con proporcion á su trabajo, y á lo que hasta

XXVII.

On tâchera d'observer dans les dites ventes ce qui est recommandé dans l'article 11, vû l'avantage et l'utilité qui résulte du rapprochement des établissemens, toutefois que cela soit praticable.

XXVIII.

Les titres de propriété des terres qui seront vendues, ou cédées par voie d'accommodement, seront expédiés par l'intendant général et légalisés par le greffier des finances qui, après qu'il sera constaté que le prix de l'estimation et de la *media annata*, ou la renté, ou cens, du dit prix d'estimation auront été versés dans le trésor, les mettra par écrit, suivant ce qui résultera de la procédure sommaire qui en aura été formée, avec l'intervention de M. le procureur du Roi.

XXIX.

La dite procédure restera déposée dans le greffe des finances, et le titre se transcrira dans un autre livre destiné á l'enregistrement des ventes et cessions de terres, de la même manière qu'il est ordonné dans l'article 17 pour ce qui regarde les concessions gratuites ; la chambre principale des comptes aura egalement un livre distinct pour prendre note des titres qui s'expédieront pour les ventes et cessions par accommodement.

XXX.

Les honoraires de l'arpenteur, dans tous les cas que comprend le présent reglement, seront proportionnés à son travail, et à ce

ahora ha sido practica satisfacerle. Los del escribano de real hacienda, no ocurriendo motivos que exijan trabajo extraordinario, quando los nuevos pobladores no sean pobres, pues entonces nada debe exigirles, inclusa la toma de razon, y demás prevenido, se reducirán á los cinco pesos que por costumbre se satisfacian; y los de los estimadores, y el intérprete, si en alguna ocasion fuese empleado para traduccion de documentos, toma de declaraciones, ù otros, se regularán por el arancel de la provincia.

## XXXI.

No se inquietara en modo alguno á los Indios que posean tierras en la jurisdiccion de este gobierno; al contrario seran protegidos y amparados en ellas, lo que tendràn muy presente los comandantes, sindicos, y agrimensores para quando den sus informes.

## XXXII.

No se procedera á concesion ó venta de tierras algunas sin que preceda el correspondiente informe de hallarse vacantes; y para evitar equivocaciones de que resulten perjuicios, se previenen los firmen en conforcio del comandante, ó sindico del distrito, el agrimensor, y dos de los vecinos inmediatos á la tierra que se solicite; bien entendido que si no obstante esta necesaria precaucion resultase despues, que la tierra tenia otro dueo, la reclamare y hubiere motivo para devolversela; el comandante, ó sindico, el agrimensor, y vecinos que han firmado el informe, indemnizarán de

qu'on a été dans l'usage de lui payer jusqu'a présent: ceux du greffier des finances, toutes fois qu'il n'y ait point lieu à un travail extraordinatre, et lorsque les nouveaux colons ne seront point pauvres, car dans ce cas il ne devra rien exiger d'eux, seront de cinq piastres, y compris l'enregistrement et les autres formalites prescrites: et ceux des estimateurs et de l'interpréte, si dans quelqu'occasion il a lieu d'être employé à traduire des piéces, recevoir des déclarations, ou à d'autres actes, seront réglés par le tarif de la province.

## XXXI.

On n'inquiétera, en aucune manière, les sauvages qui possédent des terres dans l'étendue de ce gouvernement; ils y seront au contraire protégés foutenus; et MM. les commandans, syndics et arpenteurs devront y apporter la plus grande attention pour faire leurs rapports en conséquence.

## XXXII.

On ne prodédera à la concession ni à la vente d'aucunes terres, que préalablement on n'ait reçu l'information formelle qu'elles se trouvent vacantes; et pour éviter des erreurs préjudiciables, on prévient qu'outre la signature du commandant ou syndic du district, cette information devra étre revétue de celles de l'arpentuer y de deux habitans voisins de la terre demandée; bien entendu que si, malgré cette précaution nécestaire, il se trouvait ensuite que la terre eut un autre maitre qui la réclamât, et qu'il y eut des motifs suffisans pour la lui rendre, le commandant ou syndic, l'arpen-

dichos perjuicios á laparte que los hubiese susfrido.

XXXIII.

En quanto sea posible procurarán los habitantes que las instancias que presenten en solicitud de tierras se hallen escritas en idioma Español, y en el mismo se extenderán los informes que deben dar los comandantes. En los puestos en que asi no pueda efectuarse, se seguirá la antigüa practica.

XXXIV.

Todos los solares, ó terrenos realengos, que estubiesen vacantes en esta ciudad, en las poblaciones establecidas, ó en las que se formen de nuevo, se venderán al contado ; precediendo las diligencias prevenidas en el articulo 24, y demás que tratan de la venta de tierras.

XXXV.

Los poseédores de terrenos, y solares que se han repartido, asi en la frente de esta ciudad, como en sus extremos al N. E. y S. O., presentarán dentro detres meses en esta intendencia los titulos que hayan obtenido, para con presencia de ellos, en caso de faltarles alguna circunstancia esencial, asegurarles la propiedad en terminos legales.

XXXVI.

La misma diligencia practicarà ante los sres. sub-delegados de

teur et les habitans qui aront signe l'information, devront indemnifier de ce tort celu qui l'aura souffert.

XXXIII.

Autant qu'il sera possible, les habitans tâcheront que les requeres qu'ils présenteront pour demander des terres soient écrites en langue Espagnole, dans la quelle devront également s'écrire les avis ou informations, qu'auront à donner les commandans. Dans les postes où cela ne sera point praticable, on suivra l'ancien usage.

XXXIV.

Tous les terrains, ou emplacemens, appartenans au domaine, qui se trouveront vacans, soit dans cette ville, soit dans les bourgs ou villages déja établis, ou dans ceux qui pourront s'établir, seront vendus au comptant, après les formalités prescrites dans l'article 24 et autres qui traitent de la vente des terres.

XXXV.

Les propriétaires des terrains, ou emplacemens qui ont été répartis tant sur le devant de cette ville que vers les extrémités N. E. et S. O. présenteront, sous trois mois, à l'intendance les titres qu'ils en ont obtenus, afin qu'en les voyant on puisse, s'il y manque quelque circonstance essentielle, leur en assurer la propriété d'une manière légale.

XXXVI.

La même chose se sera, pardevant MM. les sub-délégués de la

Mobila y Panzacola los que hayan obtenido terrenos en sus respectivas poblaciones por concesion, paraque instruida esta intendecia de sus circunstancias pueda providenciar lo conveniente á la indemnizacion de la real hacienda, sin perjuicio de los poseedores.

Mobile et de Panzacola, pour ceux qui ont obtenu des concessions de terrains dans leurs établissemens respectifs, afin que cette intendance en étant instruite, puisse ordonner ce qu'elle jugera convenable pour indemniser le trésor royal, sans faire tort aux propriétaires.

XXXVII.

En la contaduria de exército de esta provincia y demás oficinas dependientes de la jurisdiccion de esta intendencia se llevara por cuenta á parte lo que importasen las ventas, y composiciones de tierras para instruir á S. M. anualmente de lo que produzca este ramo de real hacienda, segun esta prevenido en el articulo 13 de la real instruccion de 15 de Octubre de 1754.

XXXVII.

Dans la contadorerie d'armée, ou chambre des comptes, de cette province, et autres bureaux dépendans de la jurisdiction de cette intendance, on tiendra un compte separé du montant des ventes ou cessions de terres, pour instruire, tous les ans, S. M. de ce que produira cette branche de revenus royaux, ainsi que l'article 13 $^{me}$, de l'ordonnance du roi du 15 Octobre, 1754.

XXXVIII.

Sera obligacion de los comandantes ó sindicos de los respectivos distritos recaudar el producto de las imposiciones que se hagan sobre tierras, á cuyo efector se les pasarán los avisos y documentos necesarios, debiendo anualmente remitir las cantidades que percibieran á la tesoreria principal, por la que se les despacharán con las formalidades de estilo, las correspondientes cartas de pago.

Y para que llegue á noticia de todos, y que mientras S. M. otra cosa no decida, tenga su debido cumplimiento quanto vá explicado en los treinta y ocho articulos de que se compone esta instruccion, ó reglamento, se traducirá al idioma Frances por el intérprete de S. M., D. Pedro Derbigny, se imprimirá en los dos idiomas, se

XXXVIII.

Les commandans, ou syndics, seront chargés de faire, dans leurs districts respectifs, le recouvrement du produit des impositions, ou cens, établis sur les terres; pour cet effet, on leur fera passer les avis et renseignemens nécessaires; et ils devront envoyer annuellement à la trésorerie principale les sommes qu'ils auront perçues, afin qu'on leur en expédie des quittances revétues des formalités d'usage.

Et pour que le présent réglement parvienne à la connaissance de toute le monde, et que les trente-huit articles, dont il est composé, ayent leur plein et entier effet, jusqu'a ce qu'il plaise a Sa Majesté d'en disposer autrement, il sera traduit en Français par l'interprête du Roi, M. Pierre Derbigny, sera imprimé dans les

circulará á todas las plazas y puestos de la jurisdiccion de esta intendencia, para que sus comandantes en calidad de sub-delegados de ella, la hagan saber, en la forma acostumbrada, á los vecinos y habitantes de cada uno, y se publicará en esta capital, posando á demas exemplares al Señor Gobernador y al M. Y. A. para que se sirvan prestar sus auxilios á la verificacion de lo resuelto con areglo á las leyes y ordenanzas de la materia, y en el concepto de sér lo que, sin desatender los reales intereses, puede convenir al mayor fomento bien, y prosperidad de estos vasallos.

deux langues, envoyé dans toutes les places et postes de la jurisdiction de cette intendance, pour que leurs commandans, en qualité de sub-dèlégués d'icelle, le fassent connaitre aux habitans en la forme accoutumèe, et publié dans cette capitale ; il en sera aussi envoyé des exemplaires à monsieur le gouverneur et au trè-illustre cabilde, afin qu'ils veuillent bien prêter leur secours à l'exécution de ce qui a été cidessus résolu, conformément aux lois et ordonnances rendues sur cette matière, et dans la persuasion que c'est ce qui peut, sans nuire aux intérêts du Roi, convenir le plus à l'encouragement au bien et à la prospérite de ses sujets dans cette colonie.

Nueva Orleans,
17 *de Julio de* 1799.

Nouvelle Orleans,
17 *Jouillet*, 1799.
JUAN VENTURA MORALES.